

or in fact, of incorporated companies or institutions, joint stock companies or voluntary associations, of money or property belonging to persons, firms, and corporations, other than the principal or employer of such director, officers, agents, and attorneys at law or in fact, which money or property has come into the possession or is in the care or custody of such incorporated company or institution, joint stock company, or voluntary association, as agent for any purpose of the owner of such money or property, and which money or property has come into the possession, or is in the care or control of such director, officer, agent, and attorney at law or in fact, by virtue of his official position or agency, prescribing the punishment therefor; construing the words and expression 'convert to his own use'; and providing what proof shall be prima facie evidence of fraudulent misapplication and conversion; and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

MORRISON, Vice-Chairman.

### SEVENTY-FIRST DAY

(Tuesday, May 30, 1933)

The House met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following Members were present:

Mr. Speaker.	Chastain.
Adamson.	Clayton.
Aikin.	Colson.
Alexander.	Coombes.
Alsup.	Cowley.
Anderson	Crossley.
of Johnson.	Daniel.
Baker.	Davidson.
Barrett.	Dean.
Barron.	Devall.
Beck.	Dunlap.
Bedford.	Dunagan.
Bourne.	Dwyer.
Bradley.	Engelhard.
Burns.	Fain.
Butler.	Few.
Calvert.	Ford.
Camp.	Fuchs.
Canon.	Glass.
Cathey.	Golson.
Caven.	Good.
Celaya.	Goodman.

Graves.	Moore.
Greathouse.	Morrison.
Griffith.	Morse.
Haag.	Munson.
Hankamer.	Nicholson.
Harman.	Palmer.
Harris.	Parkhouse.
Harrison.	Patterson.
Hartzog.	Pavlica.
Head.	Pope.
Hester.	Puryear.
Hicks.	Ratliff.
Hill of Webb.	Ray.
Hodges.	Reader.
Holekamp.	Reed of Bowie.
Holland.	Reed of Dallas.
Holloway.	Renfro.
Hoskins.	Riddle.
Huddleston.	Roberts.
Hughes.	Rogers of Hunt.
Hunt.	Rogers
Hyder.	of Ochiltree.
Jackson.	Rollins.
James.	Ross.
Jefferson.	Russell.
Johnson	Savage.
of Anderson.	Scarborough.
Johnson	Scott.
of Dimmit.	Shannon.
Jones of Atascosa.	Shults.
Jones of Runnels.	Smith.
Jones of Shelby.	Stanfield.
Kayton.	Steward.
Kyle of Hays.	Stinson.
Kyle of Palo Pinto.	Stovall.
Laird.	Sullivan.
Latham.	Tarwater.
Leonard.	Tennyson.
Lindsey.	Thomas.
Lotief.	Tillery.
Mackay.	Townsend.
Magee.	Turlington.
McClain.	Van Zandt.
McCullough.	Vaughan.
McGregor.	Wagstaff.
McKee.	Walker.
Merritt.	Winningham.
Metcalf.	Wood.
Mitcham.	Young.
Moffett.	

#### Absent

Duvall.	Ramsey.
Long.	Wells.

#### Absent—Excused

Anderson	Lemens.
of Bexar.	Mathis.
Fisher.	McDougald.
Hill of Brazoria.	Weinert.

A quorum was announced present.

Prayer was offered by Rev. Geo. W. Coltrin, Chaplain.

## LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Anderson of Bexar for today, on motion of Mr. Holekamp.

Mr. Colson for today, on motion of Mr. Davidson.

Mr. Mathis and Mr. McDougald for today, on motion of Mr. Parkhouse.

Mr. Lemens for today, on motion of Mr. Rollins.

The following Member was granted leave of absence on account of illness:

Mr. Weinert for today, on motion of Mr. Parkhouse.

## RELATIVE TO THE PRINTING OF CONSTITUTIONAL AMENDMENTS

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 81, Relative to the printing of constitutional amendments.

Whereas, By virtue of the authority in it vested by the Constitution of the State of Texas, this the Regular Session of the Forty-third Legislature has proposed several amendments to the Constitution of Texas, said amendments to be submitted to a vote of the qualified electors of this State; and

Whereas, The Constitution of this State requires that proposed amendments to the Constitution be published at least once a week for four weeks, in a weekly newspaper in each county in this State where such a paper is published, and requires that said publications begin at last three months before the election whereat the proposed amendments are to be voted upon; and

Whereas, The amendments proposed vary greatly in length, and the expenses of publishing said proposed amendments in the manner required by the Constitution vary directly with the length of the matter to be published; and

Whereas, This Legislature has appropriated equal amounts for the purpose of publishing the proposed amendments without reference to the length of the matter to be printed; and

Whereas, The amount appropriated for the publication of certain of the amendments will exceed the cost of publishing said proposed amendments, while the amount appropriated to defray the cost of publishing others of the amendments proposed will be and are insufficient to do so; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the Governor be and she is hereby authorized and empowered to have each and all of the amendments to the Constitution of this State, which have been heretofore or which may be hereafter proposed by this the Regular Session of the Forty-third Legislature, published in the manner prescribed and enjoined by the Constitution; and be it further

Resolved, That any part necessary of any appropriation made for the publication of any amendment may be used and is hereby authorized to be used to pay for the publication of any other amendment proposed by this the Regular Session of the Forty-third Legislature where the amount appropriated for that purpose is insufficient to do so.

The resolution was read second time, and was adopted.

## RELATIVE TO THE REPEAL OF THE EIGHTEENTH AMENDMENT

Mr. Moore offered the following resolution:

Whereas, The Forty-third Legislature has declined to submit to the people of Texas a constitutional amendment repealing State-wide prohibition; and

Whereas, Some Members of the House are in doubt as to whether the people of Texas desire to vote upon the question of repeal of State-wide prohibition; and

Whereas, It is a cardinal principle of democracy to which this body subscribes, that the will of the majority shall control; now, therefore, be it

Resolved by the House of Representatives of the Forty-third Legislature, That it respectfully request the State Democratic Executive Committee to place upon the ballot at the next State-wide Democratic primary the question of submission of repeal of State-wide prohibition, in order that the Forty-fourth Legislature may

have a mandate from the people, and may know whether they desire such question submitted to them.

The resolution was read second time.

Question recurring on the resolution, yeas and nays were demanded.

The resolution was adopted by the following vote:

#### Yeas—82

Adamson.	Hyder.
Alexander.	Jackson.
Alsup.	James.
Baker.	Jefferson.
Bedford.	Johnson
Bourne.	of Anderson.
Bradley.	Jones of Atascosa.
Butler.	Jones of Shelby.
Calvert.	Kayton.
Cathey.	Kyle of Palo Pinto.
Caven.	Laird.
Celaya.	Leonard.
Chastain.	Mackay.
Clayton.	McClain.
Colson.	McCullough.
Coombes.	McGregor.
Crossley.	McKee.
Daniel.	Metcalf.
Davidson.	Moore.
Dean.	Morse.
Devall.	Nicholson.
Dunagan.	Patterson.
Dwyer.	Pope.
Engelhard.	Reader.
Fuchs.	Reed of Dallas.
Golson.	Renfro.
Goodman.	Roberts.
Griffith.	Rogers
Haag.	of Ochiltree.
Hankamer.	Russell.
Harris.	Savage.
Harrison.	Scarborough.
Hartzog.	Shannon.
Hester.	Smith.
Hicks.	Stanfield.
Hill of Webb.	Stinson.
Holekamp.	Sullivant.
Holland.	Tarwater.
Holloway.	Tennyson.
Hoskins.	Tillery.
Huddleston.	Townsend.
Hughes.	Walker.

#### Nays—32

Aikin.	Graves.
Anderson	Head.
of Johnson.	Hunt.
Barrett.	Jones of Runnels.
Burns.	Kyle of Hays.
Canon.	Lindsey.
Fain.	Lotief.
Few.	Magee.
Glass.	Merritt.

Mitcham.	Scott.
Morrison.	Shults.
Palmer.	Thomas.
Parkhouse.	Turlington.
Ratliff.	Vaughan.
Ray.	Wagstaff.
Reed of Bowie.	Winningham.
Rollins.	

#### Absent

Barron.	Moffett.
Beck.	Munson.
Camp.	Pavlica.
Cowley.	Puryear.
Dunlap.	Ramsey.
Duvall.	Riddle.
Ford.	Rogers of Hunt.
Good.	Ross.
Greathouse.	Steward.
Harman.	Stovall.
Hodges.	Van Zandt.
Johnson	Wells.
of Dimmit.	Wood.
Latham.	Young.
Long.	

#### Absent—Excused

Anderson	Lemens.
of Bexar.	Mathis.
Fisher.	McDougald.
Hill of Brazoria.	Weinert.

#### ADDRESS BY THE HON. CLAUDE HUDSPETH

In accordance with a resolution heretofore adopted by the House, inviting the Hon. Claude B. Hudspeth to address the House, the Speaker announced the appointment of Messrs. Metcalfe, Townsend, and Haag to escort Mr. Hudspeth to the Speaker's stand.

Speaker Stevenson then introduced Mr. Hudspeth who addressed the House.

#### GRANTING FRANK DEMOPULOS PERMISSION TO SUE THE STATE

Mr. Beck offered the following resolution:

H. C. R. No. 106, Granting Frank Demopulos, the owner and operator of the Royal Cleaners, of Texarkana, Texas, permission to sue the State of Texas.

Whereas, From August 14, 1931, to October 27, 1932, Frank Demopulos, owner and operator of the Royal Cleaners at Texarkana, Texas, purchased from the Sinclair Refining Company, of Texarkana, Ark., two thousand six hundred and fifty-five

(2,655) gallons of gasolene, to be used in cleaning garments in his cleaning and pressing establishment; that the said Frank Demopulos is entitled to a refund of \$106.20 from the State of Texas by and through the Comptroller of Public Accounts, and the said refund is for the amount of occupation taxes paid by the said Frank Demopulos under the provisions of Articles 7065-a to 7065-o, Acts of the Regular Session of the Forty-second Legislature;

Whereas, No final and satisfactory determination of the matter has been reached between the Comptroller of Public Accounts and Frank Demopulos; now, therefore, be it

Resolved, by the House of Representatives of the State of Texas, the Senate concurring, That the said Frank Demopulos be, and is hereby, authorized to institute suit, try and determine said suit in a court of competent jurisdiction in Bowie County, Texas, or other courts, if any, to which the same may be appealed.

The resolution was read second time, and was adopted.

#### GRANTING INDEPENDENT OIL COMPANY OF SAN ANGELO, TEXAS, PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time,

H. C. R. No. 105, Granting Independent Oil Company permission to sue the State;

The resolution having heretofore been read second time, and referred to the Committee on State Affairs;

The Committee on State Affairs having recommended the adoption of the resolution.

Question recurring on the resolution, it was adopted.

#### RELATIVE TO THE BUILDING OF CERTAIN ROAD

Mr. Palmer offered the following resolution:

H. C. R. No. 107, Relative to building of certain road.

Whereas, The old San Antonio road has been designated as a State highway, to be known as the King's Highway, or the Camino Real; and

Whereas, Actual construction of this highway has been started, and appropriate markers erected; and

Whereas, This highway approximates the course of one of the most important historic roads of the Southwest, in use since the latter part of the seventeenth century; and

Whereas, In leading from Presidio to Natchitoches, it passes many of the most significantly historic spots of Texas; and

Whereas, Some of these spots have or will eventually become State parks; therefore, be it

Resolved, by the House of Representatives of the Legislature of the State of Texas, the Senate concurring therein, That the State Highway Department and the State Parks Board be urged to carry to completion this project of building the road and marking the historic sites in time for the opening of the Texas Centennial in 1936.

The resolution was read second time, and was adopted.

#### PROVIDING FOR PRINTING OF LEGISLATIVE MANUALS

Mr. Morse offered the following resolution:

H. C. R. No. 108, Providing for the printing of the Legislative Manuals.

Be it resolved by the House of Representatives, the Senate concurring, That there be printed for the use of the House and Senate four hundred copies of the Texas Legislative Manual of the Forty-third Legislature. Said Manual shall contain the Constitution of Texas up to date, the Rules of the Senate, the Rules of the House, the Joint Rules of the House and Senate, all of which rules shall be properly indexed and annotated; a list of the standing committees of the two Houses, and the names of the Senators and Representatives and their respective districts. It shall also contain the names of the officers of the House and Senate and of the representatives of the press in attendance. Three hundred and twenty-five are to be bound in flexible morocco covers, at a cost not to exceed fifty cents per copy above the cost of the same books in flexible cloth, according to the specifications of the contract with the public printer. The printing and binding of each such books shall be done by separate contracts through the Board of Control.

Provided further, that the name of each Member and officer of the House

and Senate be embossed upon the back of one copy of the Manual, which shall be the property of the Member or officer whose name is upon said copy. Three-fourths of such bound copies shall be for the use of the House, and one-fourth for the use of the Senate, and the expense of printing the Legislative Manual shall be paid out of the contingent funds of the two Houses in said proportion; provided, that the public printer shall not be paid for composition but one time.

Provided further, that of the remaining one hundred and fifteen morocco bound copies, shall be turned over to the Secretary of State for the use of the Legislature hereafter, and the Secretary of State is hereby directed to keep such copies as are necessary for the use of the next Legislature. Seventy-five paper bound copies are to be delivered to the State Librarian for exchange with other State Libraries and for other proper uses. The members of the press in attendance at this Session shall be provided with a copy of said Manual by the Secretary of State.

The Speaker of the House shall designate and appoint one person, and the President of the Senate shall designate and appoint one person to properly annotate and edit the said Legislative Manual; each person to receive seven dollars and fifty cents (\$7.50) per day for not more than forty days. The cost of same shall be paid out of the Contingent Funds of the two Houses in accordance with the direction of the Speaker of the House, the President of the Senate, and the Chairman of the Committees on Contingent Expense of their respective Houses.

The resolution was read second time.

Mr. Barrett moved to table the resolution.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

## Yeas—49

Adamson.	Barrett.
Aikin.	Beck.
Anderson	Bourne.
of Johnson.	Calvert.
Baker.	Canon.

Chastain.	Mitcham.
Cowley.	Morrison.
Daniel.	Parkhouse.
Dean.	Ratliff.
Fain.	Ray.
Fuchs.	Reed of Bowie.
Glass.	Riddle.
Golson.	Rogers
Hodges.	of Ochiltree.
Hoskins.	Russell.
Hunt.	Scott.
Johnson	Shults.
of Anderson.	Stinson.
Jones of Runnels.	Stovall.
Jones of Shelby.	Sullivan.
Lindsey.	Tarwater.
Lotief.	Tillery.
Mackay.	Van Zandt.
Magee.	Vaughan.
McClain.	Wood.
Merritt.	Young.

## Nays—59

Alsup.	Kyle of Palo Pinto.
Bedford.	Laird.
Bradley.	Latham.
Burns.	Long.
Butler.	McCullough.
Cathey.	McKee.
Clayton.	Metcalfe.
Colson.	Moffett.
Coombes.	Moore.
Davidson.	Morse.
Dwyer.	Munson.
Engelhard.	Nicholson.
Few.	Palmer.
Ford.	Patterson.
Good.	Pavlica.
Graves.	Pope.
Greathouse.	Puryear.
Haag.	Reed of Dallas.
Hartzog.	Renfro.
Hester.	Rollins.
Holekamp.	Ross.
Holland.	Shannon.
Hyder.	Smith.
Jackson.	Stanfield.
James.	Steward.
Jefferson.	Tennyson.
Johnson	Thomas.
of Dimmit.	Turlington.
Jones of Atascosa.	Wagstaff.
Kyle of Hays.	Walker.

## Absent

Alexander.	Goodman.
Barron.	Griffith.
Camp.	Hankamer.
Caven.	Harman.
Celaya.	Harris.
Crossley.	Harrison.
Devall.	Head.
Dunlap.	Hicks.
Dunagan.	Hill of Webb.
Duvall.	Holloway.

Huddleston.	Roberts.
Hughes.	Rogers of Hunt.
Kayton.	Savage.
Leonard.	Scarborough.
McGregor.	Townsend.
Ramsey.	Wells.
Reader.	Winningham.

## Absent—Excused

Anderson	Lemens.
of Bexar.	Mathis.
Fisher.	McDougald.
Hill of Brazoria.	Weinert.

Mr. Scott offered the following amendment to the resolution:

Amend House Concurrent Resolution No. 108 by striking out last paragraph.

Mr. Morse moved to table the amendment.

The motion to table prevailed.

Mr. Van Zandt raised a point of order on further consideration of the resolution, on the ground that under the Rules of the House a concurrent resolution must be first referred to a standing committee.

The Speaker sustained the point of order.

The resolution was then referred by the Speaker to the Committee on State Affairs.

#### GRANTING FRANK McKINNEY PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time,

H. C. R. No. 90, Granting Frank McKinney permission to sue the State;

The resolution having heretofore been read second time, and referred to the Committee on State Affairs;

The Committee on State Affairs having recommended the adoption of the resolution.

(Mr. Walker in the Chair.)

Question recurring on the resolution, it was adopted.

#### GRANTING ALFRED BROWN PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 50, Authorizing Alfred Brown to sue the State of Texas.

Whereas, On or about March 21, 1933, Alfred Brown, the three-year-old son of Mary Brown and M. H. Brown, sustained and suffered serious and permanent bodily injury and was damaged by the State Highway Department of Texas by an explosion of a dynamite cap left by the State Highway Department of Texas on Highway No. 1 near the bridge across Sweetwater Creek immediately east of the town of Sweetwater, Texas; and

Whereas, As a result of such explosion the said Alfred Brown suffered and sustained the permanent loss of the sight in his right eye and a partial permanent loss of the sight in his left eye, with a traumatic cataract formation over the left eye; the thumb, index and middle fingers of the left hand were blown away, and fingers on the right hand severely injured; and

Whereas, Said Alfred Brown, nor his parents have never been compensated by the State of Texas for the damages resulting from said injury; now therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the said Alfred Brown and the parents of Alfred Brown be, and they are hereby, granted permission to sue the State of Texas for damages for the personal injuries sustained as aforesaid, in a court of competent jurisdiction, in order to determine compensation for damages for the personal injuries so sustained and such suit shall be tried and determined in the trial and appellate courts of this State, according to the same rules of law and procedure, as to liability and defenses, as if such suit were against an ordinary corporate defendant; and it is hereby provided that if such suit be instituted under the provisions of this resolution, service of citation or other necessary process shall issue according to the rules of law governing such process in civil cases, and that such process, if and when issued, shall be directed to the Chairman of the Highway Commission of Texas, the Attorney General of the State of Texas, and that service of process upon the State officials shall be deemed sufficient.

The resolution was read second time.

Question recurring on the resolution, it was adopted by the following vote:

## Yeas—76

Alsup.	Jones of Shelby.
Anderson	Kayton.
of Johnson.	Kyle of Palo Pinto.
Baker.	Laird.
Bourne.	Latham.
Bradley.	Mackay.
Burns.	Magee.
Butler.	McCullough.
Calvert.	Merritt.
Cathey.	Metcalfe.
Caven.	Mitcham.
Chastain.	Moffett.
Clayton.	Moore.
Colson.	Morrison.
Coombes.	Munson.
Cowley.	Palmer.
Dean.	Patterson.
Devall.	Pavlica.
Dwyer.	Pope.
Engelhard.	Ratliff.
Few.	Reed of Bowie.
Ford.	Reed of Dallas.
Glass.	Renfro.
Golson.	Riddle.
Good.	Rogers
Greathouse.	of Ochiltree.
Haag.	Ross.
Head.	Scarborough.
Hester.	Scott.
Hill of Webb.	Shannon.
Holland.	Smith.
Holloway.	Stanfield.
Hoskins.	Steward.
Hyder.	Tarwater.
Jackson.	Tennyson.
James.	Townsend.
Jefferson.	Turlington.
Johnson	Wagstaff.
of Anderson.	Wood.
Jones of Runnels.	

## Nays—27

Adamson.	Nicholson.
Aikin.	Parkhouse.
Barrett.	Puryear.
Canon.	Ray.
Crossley.	Roberts.
Fain.	Rollins.
Fuchs.	Russell.
Goodman.	Shults.
Holekamp.	Stinson.
Huddleston.	Stovall.
Hunt.	Thomas.
Kyle of Hays.	Van Zandt.
Lindsey.	Vaughan.
Lotief.	

## Absent

Alexander.	Daniel.
Barron.	Davidson.
Beck.	Dunlap.
Bedford.	Dunagan.
Camp.	Duvall.
Celaya.	Graves.

Griffith.	McClain.
Hankamer.	McGregor.
Harman.	McKee.
Harris.	Morse.
Harrison.	Ramsey.
Hartzog.	Reader.
Hicks.	Rogers of Hunt.
Hodges.	Savage.
Hughes.	Sullivant.
Johnson	Tillery.
of Dimmit.	Walker.
Jones of Atascosa.	Wells.
Leonard.	Winningham.
Long.	Young.

## Absent—Excused

Anderson	Lemens.
of Bexar.	Mathis.
Fisher.	McDougald.
Hill of Brazoria.	Weinert.

RELATIVE TO HOME OF JAMES  
STEPHEN HOGG

Mr. Cathey offered the following resolution:

Whereas, James Stephen Hogg, the great commoner and statesman, and Governor of this State, elected Governor in 1892, and served four years as Governor, and distinguished himself as the great champion of the rights of the people in Texas, and especially the great common and middle classes of people; and

Whereas, The home which he built and lived in now stands in the town of Quitman, where he was justice of the peace and district attorney; and

Whereas, This home is now about to be torn down and destroyed; and

Whereas, The people in that county and surrounding counties, that knew him best, are desirous of purchasing this house and moving it onto a park belonging to Wood County, and are desiring to change the name of said park to the name of Jim Hogg Memorial Park; and

Whereas, Said park is a beautiful tract of land covered over by clusters of native oak trees, the kind representative of the simplicity and life of Hogg, of which he was a great lover; and

Whereas, It is the desire to move this house on this tract of land, and preserve it for future generations; and

Whereas, It is located on the highway, where thousands of travelers pass through each year, and remember, with kind feeling, the great work of the great commoner, James Stephen Hogg; and

Whereas, It will take something like the sum of \$1,500 to buy said house and move it down on said ground; and

Whereas, This house is the house where Hogg lay convalescing after he was shot by some desperado, a difficulty growing out of prosecution of ruffians in the court; therefore, be it

Resolved by the House of Representatives, That there be appropriated out of the Contingent Expense Account the sum of \$1,500, for the purpose of buying and moving the said house onto the park herein named.

The resolution was read second time.

Mr. Alsop raised a point of order on further consideration of the resolution at this time, on the ground that the time for the consideration of resolutions has expired.

The Speaker sustained the point of order.

#### BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

H. B. No. 923, "An Act to empower certain cities in this State, therein defined, to build, construct, own, maintain, and operate a bridge or bridges over and across any stream, inlet, or arm of the Gulf of Mexico or entrance channel to a port in said city and to enact all necessary and reasonable ordinances, providing rules and regulations for the operation of same, and providing that no such bridge constructed, maintained, and operated over any entrance channel to any port operated by any navigation district without a permit from the navigation and canal commissioners of said district upon conditions fixed by said permit, and providing that said navigation and canal commissioners shall have the power to prescribe reasonable rules and regulations for the operation of said bridge and direct control over the mechanical facilities of said bridge for the clearance of the channel for ingress and egress of vessels to said port, and further granting to said city in connection with the construction of such bridge the power to fill in and reclaim any of its submerged lands along its water front, and to build and construct sea walls, breakwaters, or

shore protection to the same, and to construct water mains, gas mains, storm sewers, sanitary sewers, sidewalks, streets, and other like improvements thereon, and to rent, lease, sell, or grant franchises for the use of same, and to dredge out, construct, and maintain any extension of any channel in connection with such deep water port within said city, and granting said city the power for all of said purposes to borrow money from the Federal Government or any of its agencies created for the purpose of making such loan or otherwise obtain such funds, and to encumber said properties and facilities and the net revenues and income of same to secure payment of said funds, and to make sale of all or parts of the reclaimed area; etc."

H. B. No. 14, "An Act to amend Article 7043 of the Revised Civil Statutes, 1925, as amended by Chapter 23, Acts of the Third Called Session, Forty-first Legislature, as amended by Chapter 32, Acts Second Called Session, Forty-first Legislature, relating to ascertaining tax rate, and declaring an emergency."

H. B. No. 43, "An Act creating a District Court for Montgomery County, Texas, constituted and to be known as the One Hundred and Twenty-seventh Judicial District Court of Texas; prescribing the terms for said court, fixing the duration of this Act; providing the disposition of the records of said Court at the expiration of said One Hundred and Twenty-seventh Judicial District Court, etc., and declaring an emergency."

H. B. No. 47, "An Act to prohibit the wilful taking, injury, or destruction of trees, shrubs, vines, flowers, and moss growing on the enclosed land of another, or on land reserved, set aside, or maintained by the State as a public park, or as a refuge or sanctuary for wild animals, birds, or fish, without previous written permission of the owner of such land, or his representative, or of the superintendent or custodian of such park, refuge, or sanctuary; to prohibit the transportation, carriage, or conveyance or the sale or the exposure for sale of certain wild plants or parts thereof; requiring certain officers and employees of the State to enforce this Act; and prescribing penalties for violations thereof; and making certain exceptions."



## HOUSE BILL NO. 832 WITH SENATE AMENDMENTS

Mr. Butler called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 832, A bill to be entitled "An Act creating the Texas Athletic Commission, which shall have sole jurisdiction over all ring exhibitions in the State, said Commission to consist of three members, appointed by the Governor, and fixing the terms of office at two years; providing the method of filling vacancies; providing for the maintenance of an office, the selection of a chairman and a secretary, and the number that shall constitute a quorum; fixing the yearly salaries, and from what funds such salaries shall be paid; providing for the appointment of a secretary to the Commission, prescribing his duties, and fixing his salary; fixing the time for the first meeting and organization of the Commission, the adoption of a seal for the Commission, etc., and declaring an emergency." (With amendments.)

The Speaker laid the bill before the House, with the Senate amendments.

Mr. Butler moved that the House concur in the Senate amendments.

Mr. Burns moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two Houses on the bill.

Mr. Clayton moved to table the motion by Mr. Burns.

Question first recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—68

Barrett.	Dunlap.
Bedford.	Dwyer.
Butler.	Engelhard.
Calvert.	Ford.
Cathey.	Fuchs.
Celaya.	Good.
Clayton.	Greathouse.
Colson.	Griffith.
Coombes.	Haag.
Cowley.	Hankamer.
Crossley.	Head.
Davidson.	Hill of Webb.
Devall.	Holekamp.

Holland.	Morse.
Holloway.	Munson.
Hoskins.	Nicholson.
Hughes.	Parkhouse.
Hyder.	Patterson.
Jackson.	Pavlica.
James.	Pope.
Jefferson.	Reader.
Johnson	Reed of Dallas.
of Anderson.	Renfro.
Jones of Atascosa.	Riddle.
Jones of Shelby.	Roberts.
Kayton.	Rogers of Hunt.
Kyle of Palo Pinto.	Rogers
Latham.	of Ochiltree.
Mackay.	Russell.
McClain.	Savage.
McCullough.	Scarborough.
McKee.	Stinson.
Mitcham.	Tennyson.
Moffett.	Van Zandt.
Moore.	Young.

## Nays—51

Adamson.	Lindsey.
Aikin.	Lotief.
Alsup.	Magee.
Anderson	Merritt.
of Johnson.	Metcalfe.
Baker.	Morrison.
Bourne.	Palmer.
Bradley.	Puryear.
Burns.	Ratliff.
Caven.	Ray.
Chastain.	Reed of Bowie.
Daniel.	Rollins.
Dean.	Ross.
Fain.	Shannon.
Few.	Shults.
Glass.	Smith.
Golson.	Stanfield.
Goodman.	Steward.
Graves.	Tarwater.
Hicks.	Thomas.
Hodges.	Townsend.
Hunt.	Turlington.
Johnson	Vaughan.
of Dimmit.	Wagstaff.
Jones of Runnels.	Winningham.
Laird.	Wood.
Leonard.	

## Absent

Alexander.	Huddleston.
Barron.	Kyle of Hays.
Beck.	Long.
Camp.	McGregor.
Canon.	Ramsey.
Dunagan.	Scott.
Duvall.	Stovall.
Harman.	Sullivant.
Harris.	Tillery.
Harrison.	Walker.
Hartzog.	Wells.
Hester.	

## Absent—Excused

Anderson	Lemens.
of Bexar.	Mathis.
Fisher.	McDougald.
Hill of Brazoria.	Weinert.

Question recurring on the motion by Mr. Butler, that the House concur in the Senate amendments, yeas and nays were demanded.

The motion prevailed by the following vote:

## Yeas—70

Alexander.	Jefferson.
Anderson	Johnson
of Johnson.	of Anderson.
Barrett.	Jones of Atascosa.
Bedford.	Jones of Shelby.
Butler.	Kayton.
Calvert.	Kyle of Palo Pinto.
Caven.	Latham.
Celaya.	Mackay.
Clayton.	McClain.
Colson.	McCullough.
Coombes.	McKee.
Cowley.	Moore.
Crossley.	Morse.
Davidson.	Munson.
Devall.	Nicholson.
Dunlap.	Parkhouse.
Dunagan.	Patterson.
Dwyer.	Pavlica.
Engelhard.	Pope.
Ford.	Reader.
Fuchs.	Reed of Dallas.
Good.	Renfro.
Greathouse.	Riddle.
Griffith.	Roberts.
Haag.	Rogers of Hunt.
Hankamer.	Rogers
Head.	of Ochiltree.
Hill of Webb.	Russell.
Holekamp.	Savage.
Holland.	Scarborough.
Holloway.	Shannon.
Hoskins.	Stanfield.
Hughes.	Stinson.
Hyder.	Townsend.
Jackson.	Van Zandt.
James.	Young.

## Nays—50

Adamson.	Fain.
Aikin.	Few.
Alsup.	Glass.
Baker.	Golson.
Bourne.	Goodman.
Bradley.	Graves.
Burns.	Harman.
Canon.	Hicks.
Cathey.	Hunt.
Chastain.	Johnson
Daniel.	of Dimmit.
Dean.	Jones of Runnels.

Laird.	Rollins.
Leonard.	Ross.
Lindsey.	Shults.
Lotief.	Smith.
Magee.	Steward.
Merritt.	Tarwater.
Metcalf.	Tennyson.
Mitcham.	Thomas.
Morrison.	Turlington.
Palmer.	Vaughan.
Puryear.	Wagstaff.
Ratliff.	Winningham.
Ray.	Wood.
Reed of Bowie.	

## Absent

Barron.	Long.
Beck.	McGregor.
Camp.	Moffett.
Duvall.	Ramsey.
Harris.	Scott.
Harrison.	Stovall.
Hartzog.	Sullivan.
Hester.	Tillery.
Hodges.	Walker.
Huddleston.	Wells.
Kyle of Hays.	

## Absent—Excused

Anderson	Lemens.
of Bexar.	Mathis.
Fisher.	McDougald.
Hill of Brazoria.	Weinert.

Mr. Kayton moved to reconsider the vote by which the House concurred in the Senate amendments, and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion prevailed by the following vote:

## Yeas—68

Alexander.	Greathouse.
Barrett.	Griffith.
Bedford.	Haag.
Butler.	Hankamer.
Calvert.	Hartzog.
Celaya.	Head.
Clayton.	Hill of Webb.
Coombes.	Hodges.
Cowley.	Holekamp.
Crossley.	Holland.
Davidson.	Holloway.
Devall.	Hoskins.
Dunlap.	Hughes.
Dunagan.	Hyder.
Dwyer.	Jackson.
Engelhard.	James.
Ford.	Jefferson.
Fuchs.	Johnson
Good.	of Anderson.

Jones of Atascosa.	Reader.
Jones of Shelby.	Reed of Dallas.
Kayton.	Renfro.
Kyle of Palo Pinto.	Riddle.
Latham.	Roberts.
Mackay.	Rogers of Hunt.
McClain.	Rogers
McCullough.	of Ochiltree.
McKee.	Russell.
Moffett.	Savage.
Moore.	Scarborough.
Morse.	Stanfield.
Munson.	Stinson.
Nicholson.	Van Zandt.
Parkhouse.	Winningham.
Pavlica.	Young.
Pope.	

## Nays—50

Adamson.	Laird.
Aikin.	Leonard.
Alsup.	Lindsey.
Anderson	Lotief.
of Johnson.	Magee.
Baker.	Merritt.
Bourne.	Metcalfe.
Bradley.	Mitcham.
Burns.	Morrison.
Camp.	Palmer.
Canon.	Patterson.
Cathey.	Puryear.
Caven.	Ratliff.
Chastain.	Ray.
Daniel.	Reed of Bowie.
Dean.	Rollins.
Fain.	Shults.
Few.	Smith.
Glass.	Steward.
Golson.	Tarwater.
Goodman.	Tennyson.
Graves.	Thomas.
Hunt.	Townsend.
Johnson	Turlington.
of Dimmit.	Vaughan.
Jones of Runnels.	Wood.

## Absent

Barron.	McGregor.
Beck.	Ramsey.
Colson.	Ross.
Duval.	Scott.
Harman.	Shannon.
Harris.	Stovall.
Harrison.	Sullivant.
Hester.	Tillery.
Hicks.	Wagstaff.
Huddleston.	Walker.
Kyle of Hays.	Wells.
Long.	

## Absent—Excused

Anderson	Lemens.
of Bexar.	Mathis.
Fisher.	McDougald.
Hill of Brazoria.	Weinert.

## HOUSE BILL NO. 953 ON SECOND READING

Mr. Ross moved that the regular order of business and the Seventy-two-hour House Rule be suspended, to take up, and have placed on its second reading and passage to engrossment,

H. B. No. 953, A bill to be entitled "An Act to amend Senate Bill No. 195, known as the Congressional Redistricting Bill, passed by the Forty-third Legislature at the Regular Session thereof, by fixing the counties to hereafter compose the Second and Seventh Congressional Districts; and declaring an emergency."

The motion prevailed.

The Speaker laid the bill before the House; it was read second time, and was passed to engrossment.

## HOUSE BILL NO. 953 ON THIRD READING

Mr. Ross moved that the constitutional rule requiring bills to be read on three several days be suspended, and that House Bill No. 953 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—103

Adamson.	Griffith.
Aikin.	Haag.
Alexander.	Harman.
Alsup.	Harrison.
Anderson	Hartzog.
of Johnson.	Hicks.
Baker.	Hodges.
Barrett.	Holekamp.
Bedford.	Holland.
Bourne.	Hoskins.
Calvert.	Huddleston.
Camp.	Hughes.
Canon.	Hunt.
Caven.	Hyder.
Celaya.	Jackson.
Coombes.	James.
Cowley.	Jefferson.
Crossley.	Johnson
Daniel.	of Anderson.
Davidson.	Johnson
Devall.	of Dimmit.
Dunlap.	Jones of Atascosa.
Dunagan.	Jones of Runnels.
Dwyer.	Jones of Shelby.
Engelhard.	Kyle of Hays.
Fain.	Kyle of Palo Pinto.
Golson.	Laird.
Good.	Latham.
Goodman.	Leonard.
Graves.	Lindsey.
Greathouse.	Long.

Magee.	Rogers of Ochiltree.
Mackay.	Rollins.
McClain.	Ross.
McGregor.	Russell.
McKee.	Scarborough.
Merritt.	Shannon.
Metcalfe.	Shults.
Mitcham.	Smith.
Moffett.	Steward.
Morse.	Stinson.
Munson.	Sullivant.
Nicholson.	Tarwater.
Parkhouse.	Thomas.
Pavlica.	Tillery.
Ramsey.	Townsend.
Ratliff.	Turlington.
Ray.	Van Zandt.
Reed of Bowie.	Vaughan.
Reed of Dallas.	Wagstaff.
Renfro.	Winningham.
Roberts.	Wood.
Rogers of Hunt.	Young.

## Nays—1

Glass.

Present—Not Voting

Lotief.

## Absent

Barron.	Holloway.
Beck.	Kayton.
Bradley.	McCullough.
Burns.	Moore.
Butler.	Morrison.
Cathey.	Palmer.
Chastain.	Patterson.
Clayton.	Pope.
Colson.	Puryear.
Dean.	Reader.
Duvall.	Riddle.
Few.	Savage.
Ford.	Scott.
Fuchs.	Stanfield.
Hankamer.	Stovall.
Harris.	Tennyson.
Head.	Walker.
Hester.	Wells.
Hill of Webb.	

## Absent—Excused

Anderson	Lemens.
of Bexar.	Mathis.
Fisher.	McDougald.
Hill of Brazoria.	Weinert.

The Speaker then laid House Bill No. 953 before the House on its third reading and final passage.

The bill was read third time and was passed.

## BILL RE-COMMITTED

Mr. Greathouse moved that House Bill No. 960 be re-committed to the Committee on Judiciary.

Mr. Calvert moved the previous question on the pending motion, and the main question was ordered.

Question recurring on the motion by Mr. Greathouse, it prevailed.

## MOTION TO TAKE UP SENATE BILL NO. 471

Mr. Morse moved that the regular order of business and the Seventy-two-hour House Rule be suspended, to take up, and have placed on its second reading and passage to third reading,

S. B. No. 471, A bill to be entitled "An Act to safeguard against the irresponsible practice of the profession of architecture; defining and regulating the practice of architecture; creating a Board of Architectural Examiners; providing for appointment; fixing the terms of office; providing for appointment of their successors and for filling vacancies; fixing the qualifications of the members of said Board; requiring such members to take the oath of office and file same with the Secretary of State; providing for the election of various officers of said Board; providing for an appropriation from said funds to pay salaries, compensations, and other expenses of said Board; etc., and declaring an emergency."

The motion was lost by the following vote:

## Yeas—50

Bedford.	Latham.
Bradley.	Long.
Burns.	Mackay.
Butler.	McGregor.
Calvert.	Merritt.
Caven.	Metcalfe.
Coombes.	Moffett.
Daniel.	Moore.
Dunlap.	Morse.
Dunagan.	Nicholson.
Ford.	Parkhouse.
Fuchs.	Patterson.
Graves.	Pavlica.
Greathouse.	Reader.
Haag.	Reed of Dallas.
Hankamer.	Rollins.
Holland.	Russell.
Hoskins.	Savage.
Hughes.	Scott.
Hyder.	Shannon.
Jackson.	Stanfield.
James.	Steward.
Jefferson.	Turlington.
Jones of Shelby.	Wagstaff.
Laird.	Wood.

## Nays—59

Adamson.	Jones of Runnels.
Aikin.	Kyle of Hays.
Alexander.	Kyle of Palo Pinto.
Alsup.	Lindsey.
Anderson	Lotief.
of Johnson.	Magee.
Baker.	McClain.
Barrett.	McCullough.
Beck.	Mitcham.
Bourne.	Morrison.
Camp.	Munson.
Canon.	Pope.
Cathey.	Puryear.
Chastain.	Ratliff.
Crossley.	Ray.
Davidson.	Reed of Bowie.
Devall.	Riddle.
Engelhard.	Rogers of Hunt.
Fain.	Ross.
Glass.	Scarborough.
Harris.	Shults.
Harrison.	Smith.
Head.	Stovall.
Hicks.	Sullivant.
Hodges.	Tarwater.
Holekamp.	Thomas.
Huddleston.	Townsend.
Hunt.	Van Zandt.
Johnson	Vaughan.
of Anderson.	Winningham.
Jones of Atascosa.	

## Absent

Barron.	Johnson
Celaya.	of Dimmit.
Clayton.	Kayton.
Colson.	Leonard.
Cowley.	McKee.
Dean.	Palmer.
Duvall.	Ramsey.
Dwyer.	Renfro.
Few.	Roberts.
Golson.	Rogers
Good.	of Ochiltree.
Goodman.	Stinson.
Griffith.	Tennyson.
Harman.	Tillery.
Hartzog.	Walker.
Hester.	Wells.
Hill of Webb.	Young.
Holloway.	

## Absent—Excused

Anderson	Lemens.
of Bexar.	Mathis.
Fisher.	McDougald.
Hill of Brazoria.	Weinert.

MOTION TO TAKE UP SENATE  
BILL NO. 62

Mr. Moore moved that the regular order of business and the Seventy-two-hour House Rule be suspended,

to take up, and have placed on its second reading and passage to third reading,

S. B. No. 62, A bill to be entitled "An Act defining the meaning of practicing law and prohibiting corporations and all other persons or associations from practicing law in Texas except licensed attorneys of the Bar of Texas, and providing penalties for violation of this Act, and making any agreement in violation of this Act illegal and unenforceable, and prohibiting the recovery of any compensation rendered in violation of this Act, and declaring an emergency."

The motion was lost.

MOTION TO TAKE UP HOUSE  
BILL NO. 42

Mr. Van Zandt moved that the regular order of business and the Seventy-two-hour House Rule be suspended, to take up, and have placed on its second reading and passage to engrossment,

H. B. No. 42, A bill to be entitled "An Act to amend Article 4195, Chapter 8, Title 69, of the Revised Civil Statutes of 1925, relating to sales of real estate by guardians and loans for the improvement of real estate so as to eliminate any reference to making loans in said Article 4195, and to amend Article 4211, Chapter 8, Title 69, so as to include within the loans now authorized by Article 4211, loans to be made for improvements and repairs on real estate, and to further amend Article 4211, so as to provide that the report and approval of such loans shall be made in the same manner as private sales by guardians; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The motion was lost.

HOUSE BILL NO. 940 ON SECOND  
READING

Mr. Dunagan moved that the regular order of business and the Seventy-two-hour House Rule be suspended, to take up and have placed on its second reading and passage to engrossment,

H. B. No. 940, A bill to be entitled "An Act granting the Board of Control, with the Governor's approval, the right and power to sell not more than ten (10) acres of the land owned

by the Gilmer State Orphanage; and declaring an emergency."

The motion prevailed.

The Speaker laid the bill before the House, and it was read second time.

Mr. Dunagan offered the following amendments to the bill:

(1)

Amend House Bill No. 940 by striking out all below the enacting clause, and substituting in lieu thereof the following:

"Section 1. That the Board of Control of the State of Texas be hereby granted the right and power to sell certain land owned by the Gilmer State Orphanage; provided, that such sale shall not exceed ten (10) acres; and provided further, that such sale shall not be made without the approval of the Governor of the State of Texas.

"Sec. 2. That the State of Texas shall reserve the mineral rights of said land.

"Sec. 3. The fact that there is now a prospective purchaser of said land, and the further fact that the Gilmer State Orphanage is in dire need of funds create an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three several days in each House, be suspended, and the same is hereby suspended, and this Act shall be in force and take effect from and after the date of its passage; and it is so enacted."

(2)

Amend House Bill No. 940 by striking out all above the enacting clause, and substituting in lieu thereof the following:

"H. B. No. 940,

A BILL

To Be Entitled

An Act granting the Board of Control, with the Governor's approval, the right and power to sell not more than ten (10) acres of the land owned by the Gilmer State Orphanage; provided, that the mineral rights of said land be reserved by the State of Texas; and declaring an emergency."

The amendments were severally adopted.

House Bill No. 940 was then passed to engrossment.

HOUSE BILL NO. 940 ON THIRD READING

Mr. Dunagan moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 940 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—111

Adamson.	Jefferson.
Aikin.	Johnson
Alexander.	of Anderson.
Alsup.	Jones of Atascosa.
Anderson	Jones of Runnels.
of Johnson.	Jones of Shelby.
Baker.	Kayton.
Barrett.	Kyle of Hays.
Beck.	Kyle of Palo Pinto.
Bedford.	Laird.
Bourne.	Latham.
Bradley.	Leonard.
Burns.	Lotief.
Butler.	Magee.
Calvert.	Mackay.
Camp.	McClain.
Canon.	McCullough.
Cathey.	Merritt.
Celaya.	Metcalf.
Chastain.	Mitcham.
Clayton.	Moffett.
Cowley.	Moore.
Crossley.	Morrison.
Daniel.	Morse.
Dean.	Munson.
Dunagan.	Nicholson.
Engelhard.	Palmer.
Fain.	Parkhouse.
Few.	Patterson.
Ford.	Pavlica.
Fuchs.	Puryear.
Glass.	Ratliff.
Goodman.	Ray.
Greathouse.	Reed of Bowie.
Griffith.	Reed of Dallas.
Haag.	Renfro.
Hankamer.	Riddle.
Harman.	Roberts.
Harrison.	Rogers of Hunt.
Hartzog.	Rogers
Head.	of Ochiltree.
Hester.	Rollins.
Hicks.	Russell.
Hodges.	Savage.
Holloway.	Scarborough.
Hoskins.	Shannon.
Huddleston.	Shults.
Hughes.	Smith.
Hunt.	Stanfield.
Hyder.	Steward.
James.	Stinson.

Stovall.	Turlington.
Sullivant.	Van Zandt.
Tarwater.	Vaughan.
Thomas.	Winningham.
Tillery.	Wood.
Townsend.	Young.

## Nays—1

Lindsey.

## Absent

Barron.	Jackson.
Caven.	Johnson
Colson.	of Dimmit.
Coombes.	Long.
Davidson.	McGregor.
Devall.	McKee.
Dunlap.	Pope.
Duvall.	Ramsey.
Dwyer.	Reader.
Golson.	Ross.
Good.	Scott.
Graves.	Tennyson.
Harris.	Wagstaff.
Hill of Webb.	Walker.
Holekamp.	Wells.
Holland.	

## Absent—Excused

Anderson	Lemens.
of Bexar.	Mathis.
Fisher.	McDougald.
Hill of Brazoria.	Weinert.

The Speaker then laid House Bill No. 940 before the House on its third reading and final passage.

The bill was read third time, and was passed.

## HOUSE BILL NO. 957 ON SECOND READING

Mr. Calvert (for Mr. Van Zandt), moved that the regular order of business and the Seventy-two-hour House Rule be suspended, to take up, and have placed on its second reading and passage to engrossment,

H. B. No. 957, A bill to be entitled "An Act authorizing and directing the Commissioner of the General Land Office of the State of Texas to deed, convey, assign, and/or transfer all right, title, and interest of whatsoever class, kind, and character, directly or indirectly, belonging to the State of Texas in and to that tract of land known as the thirty-five (35) acre park site situated in Hillsboro, in Hill County, Texas, to the trustees of the Confederate Veterans and Old Settlers Association of Hill County, Texas, and declaring an emergency."

The motion prevailed.

The Speaker laid the bill before the House; it was read second time, and was passed to engrossment.

(Speaker in the Chair.)

## HOUSE BILL NO. 957 ON THIRD READING

Mr. Calvert moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 957 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—109

Adamson.	Hughes.
Aikin.	Hunt.
Alsup.	Hyder.
Baker.	Jackson.
Barrett.	James.
Beck.	Johnson
Bedford.	of Anderson.
Bourne.	Johnson
Bradley.	of Dimmit.
Burns.	Jones of Atascosa.
Calvert.	Jones of Runnels.
Camp.	Jones of Shelby.
Canon.	Kayton.
Cathey.	Kyle of Hays.
Celaya.	Kyle of Palo Pinto.
Chastain.	Latham.
Clayton.	Leonard.
Coombes.	Lindsey.
Cowley.	Lotief.
Daniel.	Magee.
Davidson.	Mackay.
Dean.	McClain.
Devall.	McGregor.
Dunlap.	Merritt.
Engelhard.	Metcalfe.
Fain.	Mitcham.
Few.	Moffett.
Ford.	Moore.
Fuchs.	Morrison.
Glass.	Munson.
Golson.	Nicholson.
Good.	Palmer.
Goodman.	Parkhouse.
Graves.	Pavlica.
Greathouse.	Pope.
Haag.	Puryear.
Hankamer.	Ratliff.
Hartzog.	Ray.
Head.	Reed of Bowie.
Hester.	Reed of Dallas.
Hicks.	Renfro.
Hodges.	Roberts.
Holekamp.	Rogers
Holland.	of Ochiltree.
Holloway.	Rollins.
Hoskins.	Ross.
Huddleston.	Russell.

Savage.	Tarwater.
Scott.	Thomas.
Shannon.	Townsend.
Shults.	Turlington.
Smith.	Van Zandt.
Stanfield.	Vaughan.
Steward.	Walker.
Stinson.	Winningham.
Sullivant.	Wood.

## Absent

Alexander.	Laird.
Anderson	Long.
of Johnson.	McCullough.
Barron.	McKee.
Butler.	Morse.
Caven.	Patterson.
Colson.	Ramsey.
Crossley.	Reader.
Dunagan.	Riddle.
Duvall.	Rogers of Hunt.
Dwyer.	Scarborough.
Griffith.	Stovall.
Harman.	Tennyson.
Harris.	Tillery.
Harrison.	Wagstaff.
Hill of Webb.	Wells.
Jefferson.	Young.

## Absent—Excused

Anderson	Lemens.
of Bexar.	Mathis.
Fisher.	McDougald.
Hill of Brazoria.	Weinert.

The Speaker then laid House Bill No. 957 before the House on its third reading and final passage.

The bill was read third time, and was passed.

#### HOUSE JOINT RESOLUTION NO. 48 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. J. R. No. 48, Proposing an amendment to Section 1, Article XVI, of the Constitution of the State of Texas, relating to the oath of officers of this State; providing the time and manner of holding an election for its submission to the voters of the State of Texas as required by the Constitution, and making an appropriation therefor.

The resolution was read second time.

Mr. Pope offered the following amendment to the resolution:

Amend House Joint Resolution No. 48 by striking out the date "August 26, 1933," in Section 2, and inserting in lieu thereof the following:

"The first Tuesday after the first Monday in November, 1934."

The amendment was adopted.

House Joint Resolution No. 48 was then passed to engrossment by the following vote:

## Yeas—70

Alexander.	Hyder.
Baker.	Jackson.
Beck.	Johnson
Bourne.	of Anderson.
Bradley.	Jones of Runnels.
Butler.	Jones of Shelby.
Calvert.	Kayton.
Cathey.	Laird.
Celaya.	Leonard.
Chastain.	Lotief.
Clayton.	Mackay.
Coombes.	Mitcham.
Cowley.	Moffett.
Daniel.	Moore.
Davidson.	Morse.
Dunagan.	Munson.
Fain.	Palmer.
Few.	Patterson.
Ford.	Pavlica.
Fuchs.	Pope.
Glass.	Ray.
Golson.	Reed of Dallas.
Good.	Renfro.
Goodman.	Roberts.
Griffith.	Rogers
Haag.	of Ochiltree.
Hankamer.	Scott.
Harrison.	Shults.
Hartzog.	Smith.
Head.	Stanfield.
Hester.	Stinson.
Hicks.	Stovall.
Hill of Webb.	Tarwater.
Holekamp.	Tillery.
Holland.	Van Zandt.
Hughes.	Young.

## Nays—36

Adamson.	McGregor.
Aikin.	McKee.
Alsup.	Merritt.
Anderson	Metcalfe.
of Johnson.	Puryear.
Barrett.	Ratliff.
Canon.	Reed of Bowie.
Crossley.	Riddle.
Dean.	Rollins.
Devall.	Russell.
Greathouse.	Shannon.
Hodges.	Steward.
Hunt.	Sullivant.
Jefferson.	Thomas.
Kyle of Hays.	Turlington.
Lindsey.	Wagstaff.
Magee.	Winningham.
McClain.	Wood.
McCullough.	



## Absent

Barron.	Jones of Atascosa.
Bedford.	Kyle of Palo Pinto.
Burns.	Latham.
Camp.	Long.
Caven.	Morrison.
Colson.	Nicholson.
Dunlap.	Parkhouse.
Duvall.	Ramsey.
Dwyer.	Reader.
Engelhard.	Rogers of Hunt.
Graves.	Ross.
Harman.	Savage.
Harris.	Scarborough.
Holloway.	Tennyson.
Hoskins.	Townsend.
Huddleston.	Vaughan.
James.	Walker.
Johnson	Wells.
of Dimmit.	

## Absent—Excused

Anderson	Lemens.
of Bexar.	Mathis.
Fisher.	McDougald.
Hill of Brazoria.	Weinert.

## MESSAGE FROM THE SENATE

Senate Chamber,  
Austin, Texas, May 30, 1933.

Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: I am directed by the Senate  
to inform the House that the Senate  
has refused to pass to third reading  
the following bills:

H. B. No. 394, A bill to be entitled  
"An Act to amend Sections 4 and 5,  
of Chapter 88, of the General Laws  
of the Forty-first Legislature, Second  
Called Session, page 172, said Sec-  
tions appearing on page 175 of said  
Acts, and declaring an emergency."

H. B. No. 311, A bill to be entitled  
"An Act amending Article 6673,  
Chapter 1, of Title 116, of the Re-  
vised Civil Statutes of Texas, and  
providing for the control of State  
highways of Texas, and providing  
that no change in the routing of high-  
ways already designated within towns  
and cities of more than three hun-  
dred and fifty (350) population, shall  
be changed without the consent of the  
commissioners court of the county  
wherein said town or city is situated;  
providing nothing in this Act shall  
prevent the re-routing of a State  
highway through a town to avoid  
railroad crossings, provided the com-  
missioners court may require the old

routing upon paying one-half the cost  
of necessary underpasses or over-  
passes, and declaring an emergency."

Respectfully,

BOB BARKER,  
Secretary of the Senate.

## RECESS

On motion of Mr. Moffett, the  
House, at 12 o'clock m., took recess  
to 2 o'clock p. m., today.

## AFTERNOON SESSION

The House met at 2 o'clock p. m.,  
and was called to order by the  
Speaker.

HOUSE BILL NO. 668 ON THIRD  
READING

The Speaker laid before the House,  
on its third reading and final passage,  
H. B. No. 668, A bill to be entitled  
"An Act to amend Article 2889-a of  
Subdivision 2 of Title 49, Revised  
Civil Statutes of the State of Texas,  
1925, relating to special teachers'  
certificates, and declaring an emer-  
gency."

The bill was read third time, and  
was passed.

SENATE BILL NO. 295 ON PAS-  
SAGE TO THIRD READING

The Speaker laid before the House,  
as pending business, on its passage  
to third reading,

S. B. No. 295, A bill to be entitled  
"An Act to regulate the sale of in-  
secticides and fungicides, prohibiting  
their adulteration, misbranding, or  
misrepresentation, forbidding the use  
of certain materials, providing for  
the collection and analysis of sam-  
ples, statements of sales and ship-  
ments, the expenses of the enforce-  
ment of the law, fixing penalties for  
its violation, and declaring an emer-  
gency";

The bill having heretofore been  
read second time, with committee  
amendment by Mr. Leonard, and  
amendment by Mr. Young to the  
committee amendment, pending.

Mr. Leonard withdrew the pending  
committee amendment and offered  
the following in lieu thereof:

Amend Senate Bill No. 295 by strik-  
ing out all after the enacting clause,  
and inserting the following:

"Section 1. This Act shall be known and referred to as the 'Texas Economic Poison Act.'

"Sec. 2. It shall be unlawful for any person to manufacture, deliver, or offer to deliver, sell, offer, or expose for sale in this State any adulterated, unbranded, or misbranded economic poison which is adulterated, unbranded, or misbranded within the meaning of this Act.

"Sec. 3. The Commissioner of Agriculture of the State of Texas shall administer and enforce the provisions of this Act, and shall promulgate such rules and regulations as may be necessary to carry out the provisions of this Act, including the collection and analyses of samples, the registration of manufacturers of and dealers in economic poisons, and other procedures not inconsistent with the provisions of this Act; and it is further provided that the Commissioner of Agriculture of the State of Texas shall, at his discretion, make and enter into contracts with State-owned or State-controlled laboratories for the examination, analyses, and testing of said economic poisons. Such rules and regulations shall be effective thirty days after the Commissioner of Agriculture has promulgated them, and copies of said rules and regulations shall be available at the office of the State Department of Agriculture at Austin, Texas, for those corporations, firms, associations, or persons who have registered, or who may register, under the terms of this Act, and to all other interested parties.

"Sec. 4. Every lot, parcel, or package of economic poison sold, offered, or exposed for sale, within the State of Texas, shall be accompanied by a plainly printed or written label stating the name, brand, or trade-mark, if any there be, under which the economic poison is sold, the net weight of the content of the package, the name and address of the manufacturer, importer, or dealer, the place of manufacture, the names and percentage amounts of each inert ingredient, or in place of the names and percentage amounts of each inert ingredient not having insecticidal or fungicidal properties, the total percentage of inert ingredients. In the case of economic poisons wherein any form of arsenic is embodied as a component part thereof, the corporation, firm, association, or person shall brand or attach

to each package a plainly printed statement showing the net weight of the contents of the package, the name and address of the corporation, firm, association, or person registering said economic poison and the minimum percentages guaranteed to be present of total arsenic and of water soluble arsenic, if such are present.

"In the case of economic poisons wherein any form of mineral oil forms the complete whole or is embodied as a component part thereof, and the said economic poisons are particularly designed for the application to citrus trees, the corporation, firm, association, or person manufacturing or selling same shall brand or attach to each package a plainly printed statement showing the net weight or liquid measure of the contents of the package, the name and address of the corporation, firm, association, or person registering said economic poison, and shall further show the per centum by weight and/or by volume of the amount of mineral oil present, the Saybolt Universal Viscosity at 100 (one hundred) degrees Fahrenheit of said oil, the unsulphonatable residue, of said oil, and the per cent of distillation of said oil at 636 (six hundred and thirty-six) degrees Fahrenheit by A. S. T. M. Engler distillation.

"In the case of economic poisons wherein information concerning the degree of particle fineness of the solid matter of the material is deemed important by the Commissioner of Agriculture, in addition to other requirements of this section, the Commissioner may require the corporation, firm, association, or person manufacturing said economic poisons to furnish a statement as to the degree of fineness to which the material has been ground or occurs in the material or mixture.

"Sec. 5. Every manufacturer, importer, agent of, or dealer in, any economic poison, except as hereinafter provided, shall, before the same is offered for sale, obtain a certificate of registration from the Commissioner of Agriculture authorizing the manufacture and sale of economic poisons in this State. Every manufacturer, importer, agent of, or dealer in, economic poisons, except county, State, and Federal officials, or employes, selling the same at cost, or any person manufacturing an economic poison or poisons intended to be used in households or their immediate environments, which economic

poisons do not exceed a total retail value of five hundred dollars (\$500) per annum, before obtaining such registry shall pay to the Commissioner of Agriculture the sum of twenty-five dollars (\$25) for each registration of economic poison to be applied toward the enforcement of this Act, and shall file a statement of the brands, trade-marks, and kinds of economic poisons intended to be manufactured or offered for sale, together with a statement of the correct names and percentage amounts of each and every active ingredient and the total percentage of inert ingredients contained therein; or in lieu of stating the correct names and percentage amounts of each and every active ingredient and the total percentage of inert ingredients contained therein, may deliver to the Commissioner of Agriculture or his agent, a representative sample not less than one pound in weight of each economic poison desired to be registered. The fees received by the Commissioner of Agriculture of the State of Texas and all penalties collected under this Act shall be deposited with the Treasurer of the State of Texas, and shall be kept by him in a special fund, and shall be used for the purpose of this Act, and for no other purpose; all disbursements from this fund shall be made by the issuance by the Treasurer of the State of Texas of his warrants upon accounts approved by the Commissioner of Agriculture of the State of Texas.

"Additions or corrections to the above statements may be made at any time during the period of registration without additional charge upon notifying the Commissioner of Agriculture together with a statement of the correct names and percentage amounts of each and every active ingredient and the total percentage of inert ingredients contained therein, or in lieu of such statement, delivering to the Commissioner of Agriculture or his agent a representative sample of not less than one pound in weight of each additional economic poison desired to be registered or for which corrected statement is desired to be made. Such registration shall expire on the thirty-first day of August of the fiscal year for which it was given.

"Provided, the provisions of this Section shall not apply to the sale, by an agent or dealer, of any eco-

nomic poison which is registered by the manufacturer or wholesaler thereof as herein provided, nor to the sale of raw materials to manufacturers to be used in the preparation of economic poisons.

"When any manufacturer, importer, agent of, or dealer in economic poisons having fully complied with the provisions of this Act and the rules and regulations as provided for therein makes application for registration, the Commissioner of Agriculture shall, without unnecessary delay, cause the same to be registered and issue a license to the applicant authorizing the manufacture and sale of economic poisons in the State.

"No brand or name shall be allowed to be registered which is so nearly similar to another as to lead to uncertainty, confusion, or fraud.

"It shall be unlawful for any person, firm, or corporation to manufacture, deliver, offer to deliver, sell, offer for sale, or expose for sale any economic poison not registered and described as provided for in this section.

"Sec. 6. The Commissioner of Agriculture of the State of Texas shall cause one analysis or more to be made annually of such economic poisons sold or offered for sale under the provisions of this Act as may be sampled under his direction. The Commissioner of Agriculture of the State of Texas, in person or by deputy, shall have the power to enter into any car, building, or place, supposed to contain economic poisons, for the purpose of inspection or sampling, and shall have the power to take a sample for analysis, not exceeding two pounds, from any package or lot of economic poison found within the State. All analyses shall be made by the methods of the Association of Official Agricultural Chemists of North America. The Commissioner of Agriculture of the State of Texas shall, if possible, issue at least one bulletin annually, setting forth the analyses of economic poisons made under the provisions of this Act, the operations of the law, and such other information concerning violations of the law, or operations of this Act, or otherwise, as may be considered necessary. Provided, that if any analyses of said economic poisons come up to guarantee, the statement 'up to guarantee' shall be published in connection with the guarantee instead of the exact analyses. The Commis-

sioner of Agriculture of the State of Texas shall also investigate the composition, properties, and agricultural values of economic poisons, sold, or offered for sale within the State of Texas, and shall publish his results as he may find.

"Sec. 7. All manufacturers of economic poisons registered under the provisions of this Act shall be required to keep a complete record of the names and addresses of the vendees of said economic poisons. Wherever the Commissioner of Agriculture shall find a violation of this Act by misbranding or adulteration, any such person, firm, corporation, or association who has so violated this Act, who has registered economic poisons within the State of Texas, shall, upon request of the Commissioner of Agriculture, mail to the Commissioner of Agriculture within ten (10) days of such request a statement showing the name of the economic poison, the quantity sold, and the names and addresses of the vendees as required by the Commissioner of Agriculture; and this information shall be used for the purpose of advising said person or persons of the character of said economic poisons.

"It is further provided that when the Commissioner of Agriculture becomes cognizant of the apparent violation of any of the provisions of this Act, or any of the rules and regulations promulgated thereunder, it shall be his duty to cause notice of such fact, together with a copy of the findings, to be given to the person suspected of violating the law. The person notified shall be given an opportunity to be heard under such rules and regulations as may be promulgated for that purpose.

"Sec. 8. The Commissioner of Agriculture shall, upon the receipt of a sample of economic poison, accompanied by the required fee, cause such analysis, examination or test to be made thereof, as will substantially establish the conformity or nonconformity of said sample to the guarantee under which it is sold, or to be sold, and shall inform the sender thereof the results of all such analysis, examination, or test. The schedule of all fees required for such analysis, examination, or test, shall be determined by the Commissioner of Agriculture and shall be a part of the rules and regulations provided for in Section 3 hereof. All fees collected in such man-

ner shall be applied as provided for in the provisions of this Act.

"Sec. 9. The Commissioner of Agriculture shall have the power, after hearing as provided for in this Act, to cancel the registration of, or to refuse to register, any economic poison which is of little or no value for the purpose for which it is intended to be used, or is generally detrimental or seriously injurious to vegetation (except weeds), to domestic animals, or to the public health and safety when properly used, and may, before granting such registration, require such practical demonstration as may be necessary to determine that it is or is not of commercial value for the purpose for which it is intended and is or is not generally detrimental or seriously injurious to vegetation (except weeds), to domestic animals, or to the public health and safety when properly used. The Commissioner shall also have the power, after hearing, to cancel the registration of or to refuse to register any economic poison concerning which one so registering such economic poison, or by any agent thereof, either verbally, or in writing, or in the form of advertising literature. The Commissioner shall also have the power to cancel the registration of or to refuse to register any manufacturer, or importer, agent of, or dealer in economic poison who repeatedly violates any of the provisions of this Act or rules and regulations which shall be made for the carrying out of the provisions of this Act.

"Sec. 10. The provisions of this Act shall not apply to the sale of any of the preparations, drugs, and chemicals of the United States Pharmacopœia or National Formulary, when used or sold for medicinal or toilet purposes, which conforms to the standard and tests prescribed in the latest edition of the United States Pharmacopœia or National Formulary, nor shall the provisions of this Act apply to the sale of any medicinal or toilet preparations or substances guaranteed under the United States Pure Food and Drug Acts of June 30, 1906, and manufactured and sold exclusively for toilet and medicinal purposes.

"Sec. 11. In any prosecution of any agent or dealer under the provisions of Section 2, of this Act, the proof that the adulterated or misbranded economic poison, which is the basis

of said prosecution, was guaranteed by the wholesaler, jobber, manufacturer, or any other party from which said economic poison was purchased, to the effect that the same is not adulterated or misbranded within the meaning of this Act, shall be a full and complete defense thereto.

"Sec. 12. The term 'economic poison,' as used in this Act, shall include any substance, or mixture of substances, intended to be used for preventing, destroying, repelling, or mitigating any and all insects, fungi, weeds, rodents, or other plant or animal pest, collectively or individually, which may infest or be detrimental to vegetation, man, or other animals or households, or be present in any environment whatsoever.

"The term 'insect,' as used in this Act, is defined as any of small invertebrate animals known as insects and similar forms of animal life such as centipedes, worms, lice, and other animals of these classes.

"The term 'Paris green,' as used in this Act, shall include the product sold in commerce as Paris green, and chemically known as the acetic-arsenite of copper. The term 'lead arsenate,' as used in this Act, shall include the product or products sold in commerce as lead arsenate and consisting chemically of products derived from arsenic acid ( $H_3AsO_4$ ) by replacing one or more hydrogen atoms by lead.

"The term 'fungi,' as used in this Act, is defined as all rusts, smuts, mildews, molds, yeast, bacteria, and similar forms of plant life.

"The term 'weed,' as used in this Act, is defined as any plant which grows where not wanted.

"The term 'rodent,' as used in this Act, is defined as all members of the order Rodentia and all rabbits and hares.

"The term 'other plant or animal pest,' as used in this Act, shall include any form of plant or animal life which the Director of Agriculture may, by rules and regulations, declare to be a pest.

"Sec. 13. The word 'person,' as used in this Act, shall be construed to mean both the plural and the singular, as the case demands, and shall include corporations, companies, societies, and associations. When construing and enforcing the provisions of this Act, the act, omission,

or failure of any officer, agent, or other person acting for any corporation, company, society, or association, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association, as well as that of the other person.

"Sec. 14. For the purpose of this Act an article shall be deemed to be adulterated.

"In the case of Paris green: first, if it does not contain at least fifty per centum of arsenious oxide; second, if it contains arsenic in water-soluble forms equivalent to more than three and one-half per centum of arsenious oxide; third, if any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength. In the case of lead arsenate: First, if it contains more than fifty per centum of water; second, if it contains total arsenic equivalent to less than twelve and one-half per centum of arsenic oxide ( $As_2O_3$ ); third, if it contains arsenic in water-soluble forms equivalent to more than seventy-five one-hundredths per centum of arsenic oxide ( $As_2O_3$ ); fourth, if any substances have been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength; provided, however, that extra water may be added to lead arsenate (as described in this paragraph) if the resulting mixture is labeled lead arsenate and water, the percentage of extra water being plainly and correctly stated on the label. In the case of economic poisons, other than Paris green and lead arsenate: First, if its strength or purity fall below the professed standard or quality under which it is sold or below the standard of quality established by the Federal laws or by the United States Department of Agriculture; second, if any substance has been substituted wholly or in part for the article; third, if any valuable constituent of the article has been wholly or in part abstracted; fourth, if it is intended for use on vegetation and shall contain any substance, or substances which, although preventing, destroying, repelling, or mitigating insects, shall be injurious to such vegetation when used.

"For the purpose of this Act an article shall be deemed to be misbranded: First, if it be an imitation or offered for sale under the name of

another article; second, if it be labeled or branded so as to deceive or mislead the purchaser, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package; third, if the statements required in Section 8 are not branded or attached to each package; fourth, if any false or misleading statements are made on the package or in any printed or written matter concerning such economic poison; fifth, if in package form and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package; sixth, if it consists partially or completely of any inert substance or substances which do not prevent, destroy, repel, or mitigate insects, fungi, weeds, rodents, or other plant or animal pests, and does not have the names and percentage amounts of each and every one of such inert ingredients, the producer may, however, at his discretion state plainly upon the label the correct names and percentage amounts of each and every active ingredient and make no mention of the inert ingredients present.

"Sec. 15. Any person not a dealer in, or agent for, the sale of any economic poison, who may purchase any economic poison for his own use within this State and not for sale, may take a sample of same for analysis, under regulations prescribed by the Commissioner of Agriculture of the State of Texas, which analysis shall be made for a fee of \$1 under the direction of the Commissioner of Agriculture of the State of Texas, said fee to be deposited with the Treasurer of the State of Texas and used for administering this law only.

"Sec. 16. Every firm, corporation, association, or person who shall sell or offer for sale any economic poison without having attached thereto such labels as are required by law, or who shall sell any adulterated or misbranded economic poisons within the meaning of this Act, or who shall violate any other provisions of this Act, shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty dollars nor more than two hundred dollars for each offense.

"Sec. 17. If any provision of this Act is declared unconstitutional, or

the applicability thereof to any person or circumstance is held invalid, the validity and constitutionality of the remainder of the Act and the applicability of such provisions to other persons and circumstances shall not be affected thereby.

"Sec. 18. This Act shall take effect and be in force from and after September 1, 1933."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

Senate Bill No. 295 then failed to pass to third reading.

#### RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled resolutions:

S. C. R. No. 50, Granting Alfred Brown permission to sue the State.

S. C. R. No. 81, Relative to the printing of proposed constitutional amendments.

#### RECALLING HOUSE BILL NO. 423 FROM THE SENATE

Mr. Sullivant offered the following resolution:

H. C. R. No. 109, Recalling House Bill No. 423 from Senate.

Whereas, On the twenty-ninth day of May, 1933, the House of Representatives passed to its third reading, House Bill No. 423, by Griffith, without thorough consideration; be it therefore

Resolved by the House of Representatives, That House Bill No. 423 be recalled from the Senate for further consideration by this Body.

The resolution was read second time, and was lost.

#### SENATE BILL NO. 62 ON SECOND READING

Mr. Goodman moved that the Seventy-two-hour Rule, the Forty-eight-hour Rule, and the regular order of business be suspended, to take up, and have placed on its sec-

ond reading and passage to third reading,

S. B. No. 62, A bill to be entitled "An Act defining the meaning of practicing law and prohibiting corporations and all other persons or associations from practicing law in Texas except licensed attorneys of the Bar of Texas, and providing penalties for violation of this Act, and making any agreement in violation of this Act illegal and unenforceable, and prohibiting the recovery of any compensation rendered in violation of this Act, and declaring an emergency."

The motion prevailed.

The Speaker then laid the bill before the House, and it was read second time.

Mr. Moore offered the following amendment to the bill:

Amend Senate Bill No. 62, by inserting on page 4, line 17, after the word "claims," the following: "Provided further, that nothing in this Act shall prohibit any person or association of persons from appearing before any board, commission, or administrative body in connection with their vocation of adjusting insurance or freight rate claims."

The amendment was adopted.

Mrs. Hughes offered the following amendments to the bill:

(1)

Amend Senate Bill No. 62, page 4, line 8, by adding after the word "business" the following: "Of said corporation or."

(2)

Amend Senate Bill No. 62, Section 5, by inserting after the words "county attorney" the following words: "And/or district attorney, and/or criminal district attorney."

The amendments were severally adopted.

Mr. Griffith offered the following amendment to the bill:

Amend Senate Bill No. 62 by adding, at the end of the first paragraph of Section 3, after the words "hearing or investigation before any administrative official or body," the following:

"Nothing herein contained shall be construed to prevent a corporation from furnishing to any person lawfully engaged in the practice of law,

such information or such clerical service in and about this professional work as, except for the provisions of this Section, may be lawful, provided, that at all times the lawyer receiving such information or such services shall maintain full professional and direct responsibility to his clients for the information and services so received. But no corporation shall be permitted to render any services which can not lawfully be rendered by a person not admitted to practice law in this State, nor to solicit, directly or indirectly, professional employment for a lawyer."

Mr. Sullivant moved to table the amendment.

The motion to table prevailed.

Mr. Dean offered the following amendment to the bill:

Amend Senate Bill No. 62, Section 2, by striking out Subdivisions (b) and (d), and redesignate remaining Subdivisions accordingly.

On motion of Mr. Greathouse, the amendment was tabled.

Mr. Steward offered the following amendment to the bill:

Amend Senate Bill No. 62, page 3, by adding at the end of Section 3 the following:

"Any person engaged in the practice of law, as defined in this Act, shall not be permitted to engage in any other practice or profession, or accept any form of employment other than the practice of law, while so engaged in the practice of law."

Mr. Moore moved to table the amendment.

The motion to table prevailed.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

Senate Bill No. 62 was then passed to third reading by the following vote:

Yeas—63

Anderson	Chastain.
of Johnson.	Clayton.
Barron.	Colson.
Bedford.	Coombes.
Bourne.	Cowley.
Bradley.	Daniel.
Burns.	Davidson.
Butler.	Devall.
Camp.	Ford.
Celaya.	Fuchs.

Good.	Patterson.
Greathouse.	Pope.
Griffith.	Ramsey.
Haag.	Ray.
Hankamer.	Reed of Dallas.
Hartzog.	Renfro.
Hill of Webb.	Rogers
Holland.	of Ochiltree.
Hughes.	Rollins.
Jackson.	Savage.
James.	Scarborough.
Jones of Atascosa.	Shults.
Kayton.	Stanfield.
Kyle of Hays.	Stinson.
Lindsey.	Stovall.
Long.	Sullivant.
Mackay.	Townsend.
Magee.	Turlington.
McGregor.	Van Zandt.
Merritt.	Vaughan.
Moore.	Wagstaff.
Morse.	Walker.
Munson.	

## Nays—47

Adamson.	Hyder.
Alexander.	Jones of Runnels.
Alsup.	Kyle of Palo Pinto.
Anderson	Laird.
of Bexar.	Latham.
Baker.	Moffett.
Barrett.	Nicholson.
Canon.	Palmer.
Cathey.	Parkhouse.
Caven.	Pavlica.
Dean.	Puryear.
Dunagan.	Ratliff.
Dwyer.	Reed of Bowie.
Engelhard.	Roberts.
Fain.	Rogers of Hunt.
Glass.	Russell.
Golson.	Scott.
Harris.	Smith.
Head.	Steward.
Hester.	Tarwater.
Hodges.	Thomas.
Holekamp.	Tillery.
Hoskins.	Wood.
Huddleston.	Young.

## Absent

Aikin.	Johnson
Beck.	of Anderson.
Calvert.	Johnson
Crossley.	of Dimmit.
Dunlap.	Jones of Shelby.
Duvall.	Leonard.
Few.	Lotief.
Goodman.	McClain.
Graves.	McCullough.
Harman.	McKee.
Harrison.	Metcalfe.
Hicks.	Mitcham.
Holloway.	Morrison.
Hunt.	Reader.
Jefferson.	Riddle.

Ross.	Tennyson.
Shannon.	Winningham.

## Absent—Excused

Fisher.	McDougald.
Hill of Brazoria.	Weinert.
Lemens.	Wells.
Mathis.	

## MOTION TO TAKE UP SENATE BILL NO. 62

Mr. Moore moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 62 be placed on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote) by the following vote:

## Yeas—70

Anderson	Laird.
of Johnson.	Lindsey.
Bedford.	Long.
Bourne.	Mackay.
Bradley.	Magee.
Burns.	McGregor.
Butler.	Merritt.
Camp.	Mitcham.
Caven.	Moore.
Chastain.	Morse.
Clayton.	Munson.
Colson.	Patterson.
Coombes.	Pope.
Cowley.	Ramsey.
Daniel.	Ray.
Davidson.	Reader.
Devall.	Reed of Dallas.
Engelhard.	Renfro.
Ford.	Rogers of Hunt.
Golson.	Rogers
Good.	of Ochiltree.
Goodman.	Rollins.
Greathouse.	Savage.
Griffith.	Scarborough.
Haag.	Shults.
Hankamer.	Stanfield.
Hill of Webb.	Stinson.
Hodges.	Stovall.
Holland.	Sullivant.
Hughes.	Tarwater.
Jackson.	Townsend.
James.	Turlington.
Jones of Atascosa.	Van Zandt.
Kayton.	Vaughan.
Kyle of Hays.	Wagstaff.
Kyle of Palo Pinto.	Walker.

## Nays—41

Adamson.	Baker.
Alexander.	Barrett.
Alsup.	Canon.
Anderson	Cathey.
of Bexar.	Dean.



Dunagan.	Palmer.
Dwyer.	Parkhouse.
Fain.	Pavlica.
Few.	Puryear.
Glass.	Ratliff.
Harris.	Reed of Bowie.
Head.	Riddle.
Holekamp.	Roberts.
Hoskins.	Russell.
Huddleston.	Scott.
Hyder.	Smith.
Jones of Runnels.	Steward.
Latham.	Thomas.
Lotief.	Tillery.
Moffett.	Wood.
Nicholson.	Young.

## Absent

Aikin.	Jefferson.
Barron.	Johnson
Beck.	of Anderson.
Calvert.	Johnson
Celaya.	of Dimmit.
Crossley.	Jones of Shelby.
Dunlap.	Leonard.
Duval.	McClain.
Fuchs.	McCullough.
Graves.	McKee.
Harman.	Metcalf.
Harrison.	Morrison.
Hartzog.	Ross.
Hester.	Shannon.
Hicks.	Tennyson.
Holloway.	Winningham.
Hunt.	

## Absent—Excused

Fisher.	McDougald.
Hill of Brazoria.	Weinert.
Lemens.	Wells.
Mathis.	

## MESSAGE FROM THE SENATE

Senate Chamber,  
Austin, Texas, May 30, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted conference committee report on Senate Bill No. 412 by the following vote: Yeas, 13; nays, 11.

Respectfully,

BOB BARKER,  
Secretary of the Senate.

## MOTION TO TAKE UP SENATE BILL NO. 296

Mr. Reader (for Mr. Kayton) moved that the Seventy-two-hour Rule, the Forty-eight-hour Rule, and the regular order of business be suspended, to

take up, and have placed on its second reading and passage to third reading,

S. B. No. 296, A bill to be entitled "An Act to amend Chapter 97, of the General Laws of the Forty-second Legislature, Regular Session, regulating the production, sale, dispensation, and other traffic in narcotic drugs as defined herein; making exception; providing for the identification of said drugs and the containers thereof and for the execution of prescriptions; repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

The motion was lost.

## HOUSE BILL NO. 449 ON SECOND READING

Mr. Kyle of Palo Pinto moved that the Seventy-two-hour Rule, the Forty-eight-hour Rule, and the regular order of business be suspended, to take up, and have placed on its second reading and passage to engrossment,

H. B. No. 449, A bill to be entitled "An Act providing that designated State highways traversing incorporated cities and towns of this State having a population of less than ten thousand (10,000) inhabitants, shall be maintained at the expense of the State, and such expense to be paid out of the Highway Maintenance Fund, and providing further, that it shall be the duty of the Highway Department to maintain such highways, and declaring an emergency."

The motion prevailed.

The Speaker laid the bill before the House, and it was read second time.

Mr. Adamson offered the following amendment to the bill:

Amend House Bill No. 449 by changing the figures, in line 18, "10,000," to "16,000."

ADAMSON,  
VAN ZANDT.

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

House Bill No. 449 was then passed to engrossment.

## HOUSE BILL NO. 449 ON THIRD READING

Mr. Kyle of Palo Pinto moved that the constitutional rule, requiring bills to be read on three several days, be

suspended, and that House Bill No. 449 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—95

Adamson.	Jones of Atascosa.
Aikin.	Jones of Runnels.
Alsup.	Jones of Shelby.
Anderson	Kayton.
of Johnson.	Kyle of Hays.
Baker.	Kyle of Palo Pinto.
Barron.	Laird.
Bedford.	Latham.
Bourne.	Leonard.
Bradley.	Lindsey.
Burns.	Lotief.
Butler.	Mackay.
Camp.	Magee.
Canon.	Merritt.
Cathey.	Mitcham.
Celaya.	Moffett.
Chastain.	Munson.
Clayton.	Patterson.
Cowley.	Pavlica.
Davidson.	Pope.
Dunlap.	Ratliff.
Engelhard.	Ray.
Fain.	Reed of Bowie.
Few.	Reed of Dallas.
Ford.	Renfro.
Fuchs.	Roberts.
Glass.	Rogers of Hunt.
Good.	Rogers
Goodman.	of Ochiltree.
Greathouse.	Russell.
Griffith.	Scarborough.
Haag.	Scott.
Hankamer.	Shannon.
Hartzog.	Shults.
Head.	Smith.
Hester.	Stanfield.
Hicks.	Sullivan.
Hill of Webb.	Tarwater.
Hodges.	Thomas.
Holekamp.	Tillery.
Holland.	Townsend.
Holloway.	Turlington.
Hoskins.	Van Zandt.
Huddleston.	Vaughan.
Hunt.	Wagstaff.
Hyder.	Walker.
Jackson.	Wood.
James.	Young.
Jefferson.	

## Nays—10

Alexander.	Parkhouse.
Anderson	Puryear.
of Bexar.	Rollins.
Coombes.	Steward.
Harris.	Stinson.
Nicholson.	

## Present—Not Voting

Devall.

## Absent

Barrett.	Long.
Beck.	McClain.
Calvert.	McCullough.
Caven.	McGregor.
Colson.	McKee.
Crossley.	Metcalfe.
Daniel.	Moore.
Dean.	Morrison.
Dunagan.	Morse.
Duvall.	Palmer.
Dwyer.	Ramsey.
Golson.	Reader.
Graves.	Riddle.
Harman.	Ross.
Harrison.	Savage.
Hughes.	Stovall.
Johnson	Tennyson.
of Anderson.	Winningham.
Johnson	
of Dimmit.	

## Absent—Excused

Fisher.	McDougald.
Hill of Brazoria.	Weinert.
Lemens.	Wells.
Mathis.	

The Speaker then laid House Bill No. 449 before the House on its third reading and final passage.

The bill was read third time, and was passed.

## HOUSE BILL NO. 959 ON SECOND READING

Mr. Young (for Mr. Lotief) moved that the Seventy-two-hour Rule, the Forty-eight-hour Rule, and the regular order of business be suspended, to take up, and have placed on its second reading and passage to engrossment,

H. B. No. 959, A bill to be entitled "An Act to amend Senate Bill No. 195, known as the Congressional Redistricting Bill, passed by the Forty-third Legislature, at the Regular Session thereof, by fixing the Counties to hereafter compose the Ninth and Fourteenth Congressional Districts; and declaring an emergency."

The motion prevailed.

The Speaker laid the bill before the House; it was read second time, and was passed to engrossment.

## HOUSE BILL NO. 959 ON THIRD READING

Mr. Young moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 959 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—104

Adamson.	Jones of Shelby.
Aikin.	Kayton.
Alexander.	Kyle of Hays.
Alsup.	Latham.
Anderson	Leonard.
of Bexar.	Lindsey.
Anderson	Lotief.
of Johnson.	Magee.
Baker.	Mackay.
Barrett.	Merritt.
Bourne.	Metcalfe.
Bradley.	Mitcham.
Burns.	Moffett.
Butler.	Morrison.
Calvert.	Morse.
Camp.	Munson.
Canon.	Nicholson.
Cathey.	Patterson.
Celaya.	Pavlica.
Clayton.	Pope.
Colson.	Puryear.
Cowley.	Ratliff.
Crossley.	Ray.
Daniel.	Reader.
Dean.	Reed of Bowie.
Devall.	Reed of Dallas.
Dunagan.	Renfro.
Engelhard.	Riddle.
Fain.	Roberts.
Few.	Rogers of Hunt.
Ford.	Rogers
Fuchs.	of Ochiltree.
Glass.	Rollins.
Golson.	Russell.
Good.	Scarborough.
Greathouse.	Scott.
Haag.	Shannon.
Hankamer.	Shults.
Harman.	Smith.
Harris.	Stanfield.
Head.	Steward.
Hester.	Stovall.
Hicks.	Sullivant.
Hodges.	Tarwater.
Holland.	Tennyson.
Hoskins.	Thomas.
Huddleston.	Tillery.
Hunt.	Townsend.
Hyder.	Turlington.
Jackson.	Van Zandt.
James.	Vaughan.
Jefferson.	Walker.
Johnson	Wood.
of Dimmit.	Young.
Jones of Runnels.	

Absent

Barron.	Coombes.
Beck.	Davidson.
Bedford.	Dunlap.
Caven.	Duvall.
Chastain.	Dwyer.

Goodman.	Long.
Graves.	McClain.
Griffith.	McCullough.
Harrison.	McGregor.
Hartzog.	McKee.
Hill of Webb.	Moore.
Holekamp.	Palmer.
Holloway.	Parkhouse.
Hughes.	Ramsey.
Johnson	Ross.
of Anderson.	Savage.
Jones of Atascosa.	Stinson.
Kyle of Palo Pinto.	Wagstaff.
Laird.	Winningham.

Absent—Excused

Fisher.	McDougald.
Hill of Brazoria.	Weinert.
Lemens.	Wells.
Mathis.	

The Speaker then laid House Bill No. 959 before the House on its third reading and final passage.

The bill was read third time, and was passed.

#### HOUSE BILL NO. 248 ON SECOND READING

Mr. Sullivant moved that the Seventy-two-hour Rule, the Forty-eight-hour Rule, and the regular order of business be suspended, to take up, for consideration at this time,

H. B. No. 248, A bill to be entitled "An Act to amend Article 5160, of the Revised Civil Statutes of 1925, as amended by the Acts of the Fortieth Legislature of 1927, First Called Session, page 114, Chapter 39, Section 1, and as amended by the Acts of the Forty-first Legislature of 1929, page 481, Chapter 226, Section 1, providing for more adequate regulations in connection with bonds where contracts are entered into with this State, or any subdivision thereof, for the prosecution and completion of any public work, and fixing a lien in favor of the laborers and materialmen; and declaring an emergency."

The motion prevailed.

The Speaker laid the bill before the House, and it was read second time.

Mr. Sullivant offered the following amendments to the bill:

(1)

Amend House Bill No. 248 by striking out all below the enacting clause, and substituting in lieu thereof the following:

"Section 1. That Article 5160, of the Revised Civil Statutes of 1925, as amended by the Acts of the Fortieth Legislature of 1927, First Called Session, page 114, Chapter 39, Section 1, be amended so as to hereafter read as follows:

"Article 5160. Section 1. Any person or persons, firm, or corporation entering into a formal contract with this State or its counties or school districts or other subdivisions thereof or any municipality therein for the construction of any public building, or the prosecution and completion of any public work shall be required, before commencing such work, to execute the usual penal bond, with the additional obligation that such contractor shall promptly make payments to all persons supplying him or them with labor and materials in the prosecution of the work provided for in such contract. Any person, company, or corporation who has furnished labor or materials used in the construction or repair of any public building or public work, and payment for which has not been made, shall have the right to intervene and be made a party to any action instituted by the State or any municipality on the bond of the contractor, and to have their rights and claims adjudicated in such action and judgment rendered thereon, subject, however, to the priority of the claims and judgment of the State or municipality. If the full amount of the liability of the surety on said bond is insufficient to pay the full amount of said claims and demands, then, after the paying the full amount due the State or municipality, the remainder shall be distributed pro rata among said interveners."

"Sec. 2. Every contractor who shall enter into a formal contract with this State or any subdivision thereof as provided for in Section 1, of this Article, shall, within ninety (90) days after entering into such contract, and every ninety (90) days thereafter while the work is being prosecuted, file an itemized statement with the county clerk of the county in which the work is being prosecuted, of all indebtedness which such contractor has been owing for as long as sixty (60) days, for all labor and/or materials furnished such contractor in the prosecution of the work provided for in such formal agree-

ment; which statement shall contain the names and addresses, together with a statement of the amount owing each such person, firm, or corporation; and such contractor shall, within ninety (90) days after completion of the work provided for in the formal contract, file with the county clerk of the county in which the work was done, a final statement, itemizing all indebtedness as herein above provided, owing by such contractor for all labor and/or materials furnished in the prosecution and completion of the contract. Such statement or statements, as set out above, shall be sworn to by such contractor or his agent, and be filed with the county clerk in the county where the work is being or was done; and when so filed, shall establish and fix the obligation of the contractor and the obligation and liability of the surety on such contractor's bond in favor of every such person, firm, or corporation who has furnished labor and/or materials to such contractor in the prosecution and completion of said contract with the State or any subdivision thereof for such labor and/or materials furnished such contractor, provided, however, that the obligation and liability of both the contractor and the surety on his bond may be further fixed and established as provided in Section 3 hereof.

"Sec. 3. Provided further that the foregoing paragraph shall not preclude a laborer and/or materialman from further fixing and establishing the obligation and liability of the contractor and the surety on his bond by filing an itemized, sworn statement of his account as required by statute as to mechanic's lien claims with the county clerk in the county where the said work is being prosecuted within one hundred and twenty (120) days from the date of delivery of said materials and/or the performance of said labor. The county clerk shall note on the mechanic's lien record, the name of the claimant, the amount claimed, the name of the contractor and the name of the State or other political subdivisions of the State with which the contract was made.

"Sec. 4. Provided further, that after completion and acceptance of completed public building or of any public work, all moneys due the contractor under said contract shall be

held by the State or its counties, school districts, or other subdivision thereof, or any municipality until such time as satisfactory evidence is submitted and affidavits made by the contractor, that all just bills for labor and/or material under said contract have been paid in full and all the requirements of this Act have been complied with by the contractor.

"Sec. 4-a. Any person, firm, or corporation, his or their agents or representatives who shall enter into such formal contract as provided and referred to in Section 1 hereof, who shall fail or refuse to comply with any requirement of this Act, or who shall knowingly file any false, fraudulent, or untrue statement as herein required, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than five hundred dollars (\$500) and not to exceed one thousand dollars (\$1,000) or by imprisonment in the county jail of not less than thirty (30) days and not more than six (6) months, or by both such fine and imprisonment.

"Sec. 5. The fact that laborers and materialmen over the State of Texas have been losing their wages and the amounts for material furnished to the contractors and that the laborers are not well enough informed on the law to know how to secure a lien which will operate against the bondsmen for their protection constitutes an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read upon three several days in each House, be suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted."

(2)

Amend House Bill No. 248 by striking out all above the enacting clause, and substituting in lieu thereof the following:

"H. B. No. 248,

A BILL

To Be Entitled

An Act to amend Article 5160, of the Revised Civil Statutes of 1925, as amended by the Acts of the Fortieth Legislature of 1927, First Called Session, page 114, Chapter 39, Section 1, and as amended by

the Acts of the Forty-first Legislature of 1929, page 481, Chapter 226, Section 1, providing for more adequate regulation in connection with bonds where contracts are entered into with the State or any of its political subdivisions or any municipality thereof for the prosecution of any public work; requiring the filing of statements of indebtedness by contractors; establishing and fixing the liability of contractors and their bondsmen; providing for the further establishment and fixing of such liability and obligation; providing for proof of payment of indebtedness and compliance with provisions of this Act; affixing a penalty, and declaring an emergency."

The amendments were severally adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

House Bill No. 248 was then passed to engrossment.

#### HOUSE BILL NO. 248 ON THIRD READING

Mr. Sullivant moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 248 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—97

Aikin.	Daniel.
Alexander.	Davidson.
Alsup.	Devall.
Anderson	Engelhard.
of Bexar.	Fain.
Anderson	Few.
of Johnson.	Fuchs.
Baker.	Glass.
Barrett.	Golson.
Barron.	Good.
Bourne.	Greathouse.
Bradley.	Haag.
Burns.	Hankamer.
Butler.	Harris.
Calvert.	Hartzog.
Canon.	Head.
Cathey.	Hicks.
Celaya.	Hodges.
Clayton.	Holekamp.
Colson.	Holland.
Coombes.	Hoskins.
Cowley.	Hughes.
Crossley.	Hunt.

Hyder.	Renfro.
Jackson.	Riddle.
James.	Roberts.
Jefferson.	Rogers of Hunt.
Johnson	Rogers
of Dimmit.	of Ochiltree.
Jones of Runnels.	Rollins.
Jones of Shelby.	Russell.
Kyle of Hays.	Scarborough.
Latham.	Scott.
Leonard.	Shults.
Lindsey.	Smith.
Lotief.	Stanfield.
Mackay.	Steward.
McGregor.	Stovall.
Merritt.	Sullivant.
Mitcham.	Tarwater.
Morrison.	Tennyson.
Morse.	Thomas.
Munson.	Turlington.
Patterson.	Van Zandt.
Pavlica.	Vaughan.
Pope.	Wagstaff.
Puryear.	Walker.
Ratliff.	Winningham.
Ray.	Wood.
Reader.	Young.
Reed of Dallas.	

## Nays—2

Nicholson.	Reed of Bowie.
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## Present—Not Voting

Mr. Speaker.

## Absent

Adamson.	Jones of Atascosa.
Beck.	Kayton.
Bedford.	Kyle of Palo Pinto.
Camp.	Laird.
Caven.	Long.
Chastain.	Magee.
Dean.	McClain.
Dunlap.	McCullough.
Dunagan.	McKee.
Duvall.	Metcalf.
Dwyer.	Moffett.
Ford.	Moore.
Goodman.	Palmer.
Graves.	Parkhouse.
Griffith.	Ramsey.
Harman.	Ross.
Harrison.	Savage.
Hester.	Shannon.
Hill of Webb.	Stinson.
Holloway.	Tillery.
Huddleston.	Townsend.
Johnson	
of Anderson.	

## Absent—Excused

Fisher.	McDougald.
Hill of Brazoria.	Weinert.
Lemens.	Wells.
Mathis.	

The Speaker then laid House Bill No. 248 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—101

Adamson.	Johnson
Aikin.	of Dimmit.
Alexander.	Jones of Atascosa.
Alsup.	Jones of Runnels.
Anderson	Jones of Shelby.
of Johnson.	Kayton.
Barrett.	Kyle of Hays.
Barron.	Latham.
Bedford.	Leonard.
Bourne.	Lindsey.
Bradley.	Lotief.
Burns.	Magee.
Butler.	Mackay.
Canon.	Merritt.
Cathey.	Mitcham.
Caven.	Morrison.
Celaya.	Munson.
Clayton.	Patterson.
Coombes.	Pavlica.
Cowley.	Pope.
Crossley.	Puryear.
Daniel.	Ratliff.
Dean.	Ray.
Devall.	Reader.
Dwyer.	Reed of Dallas.
Engelhard.	Renfro.
Fain.	Riddle.
Few.	Roberts.
Ford.	Rogers of Hunt.
Fuchs.	Rogers of Ochiltree.
Glass.	Rollins.
Golson.	Russell.
Good.	Scarborough.
Greathouse.	Scott.
Haag.	Shults.
Hankamer.	Smith.
Harman.	Stanfield.
Hartzog.	Steward.
Head.	Stovall.
Hicks.	Sullivant.
Hill of Webb.	Tarwater.
Hodges.	Tennyson.
Holland.	Thomas.
Holloway.	Townsend.
Hoskins.	Turlington.
Huddleston.	Van Zandt.
Hughes.	Vaughan.
Hunt.	Wagstaff.
Hyder.	Walker.
Jackson.	Winningham.
James.	Wood.
Jefferson.	

## Nays—2

Nicholson.	Reed of Bowie.
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## Absent

Anderson	Baker.
of Bexar.	Beck.

Calvert.	Long.
Camp.	McClain.
Chastain.	McCullough.
Colson.	McGregor.
Davidson.	McKee.
Dunlap.	Metcalfe.
Dunagan.	Moffett.
Duvall.	Moore.
Goodman.	Morse.
Graves.	Palmer.
Griffith.	Parkhouse.
Harris.	Ramsey.
Harrison.	Ross.
Hester.	Savage.
Holekamp.	Shannon.
Johnson	Stinson.
of Anderson.	Tillery.
Kyle of Palo Pinto.	Young.
Laird.	

## Absent—Excused

Fisher.	McDougald.
Hill of Brazoria.	Weinert.
Lemens.	Wells.
Mathis.	

HOUSE BILL NO. 861 ON SECOND  
READING

Mr. Tarwater moved that the Seventy-two-hour Rule, the Forty-eight-hour Rule, and the regular order of business be suspended, to take up, for consideration at this time,

H. B. No. 861, A bill to be entitled "An Act ratifying and confirming a compact entered into by and between representatives of the State of Texas and the State of New Mexico, authorized by Act of the Regular Session of the Forty-second Legislature, and approved by the Governor on May 27, 1931, as shown in Chapter 251, Acts of the Forty-second Legislature."

The motion prevailed.

The Speaker laid the bill before the House; it was read second time, and was passed to engrossment.

HOUSE BILL NO. 861 ON THIRD  
READING

Mr. Tarwater moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 861 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—102

Adamson.	Anderson
Aikin.	of Bexar.
Alexander.	Anderson
Alsup.	of Johnson.

Barrett.	Leonard.
Bedford.	Lindsey.
Bourne.	Lotief.
Bradley.	Mackay.
Burns.	Magee.
Canon.	McGregor.
Cathey.	Merritt.
Celaya.	Mitcham.
Colson.	Morrison.
Cowley.	Morse.
Crossley.	Munson.
Daniel.	Nicholson.
Davidson.	Palmer.
Dean.	Pavlica.
Devall.	Pope.
Engelhard.	Purveyar.
Fain.	Ratliff.
Few.	Ray.
Fuchs.	Reader.
Glass.	Reed of Bowie.
Golson.	Reed of Dallas.
Good.	Renfro.
Goodman.	Roberts.
Greathouse.	Rogers of Hunt.
Haag.	Rogers
Hankamer.	of Ochiltree.
Hartzog.	Rollins.
Head.	Russell.
Hicks.	Savage.
Hodges.	Scarborough.
Holekamp.	Scott.
Holland.	Shannon.
Hoskins.	Smith.
Huddleston.	Stanfield.
Hughes.	Steward.
Hunt.	Stinson.
Hyder.	Stovall.
Jackson.	Sullivan.
James.	Tarwater.
Jefferson.	Tennyson.
Johnson	Thomas.
of Dimmit.	Tillery.
Jones of Atascosa.	Townsend.
Jones of Runnels.	Turlington.
Jones of Shelby.	Van Zandt.
Kayton.	Vaughan.
Kyle of Hays.	Wagstaff.
Laird.	Winningham.
Latham.	Wood.

## Nays—1

Coombes.

## Absent

Baker.	Ford.
Barron.	Graves.
Beck.	Griffith.
Butler.	Harman.
Calvert.	Harris.
Camp.	Harrison.
Caven.	Hester.
Chastain.	Hill of Webb.
Clayton.	Holloway.
Dunlap.	Johnson
Dunagan.	of Anderson.
Duvall.	Kyle of Palo Pinto.
Dwyer.	Long.

McClain.	Patterson.
McCullough.	Ramsey.
McKee.	Riddle.
Metcalfe.	Ross.
Moffett.	Shults.
Moore.	Walker.
Parkhouse.	Young.

Absent—Excused

Fisher.	McDougald.
Hill of Brazoria.	Weinert.
Lemens.	Wells.
Mathis.	

The Speaker then laid House Bill No. 861 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—104

Adamson.	Hughes.
A'kin.	Hunt.
Alexander.	Jackson.
Alsup.	James.
Anderson	Jefferson.
of Bexar.	Johnson
Anderson	of Dimmit.
of Johnson.	Jones of Atascosa.
Barrett.	Jones of Runnels.
Bedford.	Jones of Shelby.
Bourne.	Kayton.
Bradley.	Kyle of Hays.
Burns.	Laird.
Canon.	Latham.
Cathey.	Lindsey.
Celaya.	Lotief.
Clayton.	Magee.
Cowley.	Mackay.
Crossley.	Merritt.
Daniel.	Metcalfe.
Davidson.	Mitcham.
Dean.	Morrison.
Devall.	Morse.
Dunlap.	Munson.
Dwyer.	Nicholson.
Engelhard.	Palmer.
Fain.	Pavlica.
Few.	Pope.
Fuchs.	Puryear.
Glass.	Ramsey.
Golson.	Ratliff.
Good.	Ray.
Goodman.	Reader.
Greathouse.	Reed of Bowie.
Haag.	Reed of Dallas.
Hankamer.	Renfro.
Hartzog.	Riddle.
Head.	Roberts.
Hicks.	Rogers of Hunt.
Hodges.	Rogers
Holekamp.	of Ochiltree.
Holland.	Rollins.
Hoskins.	Russell.
Huddleston.	Savage.

Scarborough.	Tarwater.
Scott.	Tennyson.
Shannon.	Tillery.
Shults.	Townsend.
Smith.	Turlington.
Stanfield.	Van Zandt.
Steward.	Vaughan.
Stinson.	Walker.
Stovall.	Winningham.
Sullivant.	Wood.

Nays—1

Coombes.

Absent

Baker.	Holloway.
Barron.	Hyder.
Beck.	Johnson
Butler.	of Anderson.
Calvert.	Kyle of Palo Pinto.
Camp.	Leonard.
Caven.	Long.
Chastain.	McClain.
Colson.	McCullough.
Dunagan.	McGregor.
Duvall.	McKee.
Ford.	Moffett.
Graves.	Moore.
Griffith.	Parkhouse.
Harman.	Patterson.
Harris.	Ross.
Harrison.	Thomas.
Hester.	Wagstaff.
Hill of Webb.	Young.

Absent—Excused

Fisher.	McDougald.
Hill of Brazoria.	Weinert.
Lemens.	Wells.
Mathis.	

### HOUSE BILL NO. 485 ON SECOND READING

Mr. Kayton moved that the Seventy-two-hour Rule, the Forty-eight-hour Rule, and the regular order of business be suspended, to take up, for consideration at this time,

H. B. No. 485, A bill to be entitled "An Act requiring the State Board of Control, or other agencies of the State of Texas, having under its jurisdiction buildings, and the construction and design of buildings to be owned by the State of Texas, to employ an architect or engineer on all construction of any public buildings costing more than two thousand dollars (\$2,000); residence requirements of such architect or engineer; compensation of such; providing for competitive bids, and the advertisement of bids on all such work, etc., and declaring an emergency."

The motion prevailed.



The Speaker then laid the bill before the House, and it was read second time.

Mr. Kayton offered the following committee amendments to the bill:

(1)

Amend House Bill No. 485 by striking out all below the enacting clause, and substituting in lieu thereof the following:

"Section 1. The State Board of Control, or other boards or agencies of the State of Texas, having under its jurisdiction the design and construction of buildings to be owned by the State of Texas, shall hereafter employ an architect or engineer, or architect and engineer where both services are required, on the design and construction of any public buildings, or the prosecution and completion of any public work, requiring or authorizing any expenditure in excess of five thousand dollars (\$5,000). Said architect or engineer shall have been a resident in the State of Texas at least one year on the date of such employment, and their joint compensation shall in no event exceed the customary fee of five per cent (5%) of the contract price of such work.

"Sec. 2. The State Board of Control, or other boards or agencies of the State of Texas, having under its jurisdiction the design and construction of buildings to be owned by the State of Texas, shall not hereafter make or enter into any contract or agreement for the construction of any public buildings, or the prosecution and completion of any public work requiring or authorizing any expenditure in excess of five thousand dollars (\$5,000), without first submitting such proposed contract or agreement to competitive bids. Notice of the time and place when and where such contract shall be let shall be published in a newspaper of general daily circulation in Texas, once a week for two consecutive weeks prior to the time set for letting such contract, the date of the first publication to be set at least fourteen days prior to the date set for letting said contract. Said contract shall be let to the lowest responsible bidder on the respective type of construction selected. Any and all bids may be rejected. Said bidder shall be required to give good and sufficient

bond, in the full amount of the contract price for the faithful performance of such contract, executed by some surety company authorized to do business in this State, in accordance with the provisions of Article 5160, Revised Civil Statutes of 1925, and amendments thereto. Contractors bidding on such contracts must have been a resident and doing construction business in the State of Texas for at least one year prior to such award.

"Sec. 3. Provided, that in case of public calamity, where it becomes necessary to act at once to relieve the necessity of the citizens, or to preserve the property, or when it is necessary to preserve or protect the public health of the citizens, or in case of unforeseen damages to public property, machinery, or equipment, this Act, both Sections 1 and 2, shall not apply; and provided further, that this Act shall not apply to design or contract where Federal aid is received, and where this Act is in conflict with Federal laws or regulations, and provided further, that this Act shall not apply to any work coming under the immediate supervision of the State Highway Department, involving the building and maintaining of highways.

"Sec. 4. The fact that there is not now any adequate provision in the law providing for architectural supervision of the construction of public buildings creates an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three several days in each House, be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

(2)

Amend House Bill No. 484 by striking out all above the enacting clause, and substituting in lieu thereof the following:

"H. B. No. 484,

A BILL

To Be Entitled

An Act requiring the State Board of Control, or other agencies of the State of Texas, having under its jurisdiction buildings, and the con-

struction and design of buildings to be owned by the State of Texas, to employ an architect or engineer on all construction of any public buildings costing more than five thousand dollars (\$5,000); residence requirements of such architect or engineer; compensation of such; providing for competitive bids and the advertisement of bids on all such work; the manner of advertising same and the letting of contracts in reference thereto; providing for the furnishing of bond by the contractors; providing for residence qualifications of such bidders; providing for exceptions; and that this Act shall not apply when in conflict with United States aid or regulations and not to apply to work of State Highway Department of public highways; and declaring an emergency."

The amendments were severally adopted.

Mr. Metcalfe offered the following amendment to the bill:

Amend House Bill No. 485, by adding at the end of Section 2, the following:

"Provided, that where architects are available, and already employed, they may be used in lieu of other architects at the institution where they are already employed."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

House Bill No. 485 was then passed to engrossment.

#### MOTION TO TAKE UP HOUSE BILL NO. 485

Mr. Kayton moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 485 be placed on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote) by the following vote:

Yeas—90

Aikin.	Anderson
Alsup.	of Johnson.
Anderson	Barrett.
of Bexar.	Beck.

Bedford.  
Bourne.  
Burns.  
Butler.  
Canon.  
Cathey.  
Coombes.  
Crossley.  
Davidson.  
Devall.  
Dunlap.  
Dunagan.  
Dwyer.  
Engelhard.  
Few.  
Ford.  
Fuchs.  
Glass.  
Golson.  
Good.  
Goodman.  
Griffith.  
Haag.  
Hankamer.  
Harman.  
Hartzog.  
Hicks.  
Hodges.  
Holekamp.  
Holland.  
Holloway.  
Huddleston.  
Hyder.  
Jackson.  
James.  
Jefferson.  
Kayton.  
Kyle of Hays.  
Kyle of Palo Pinto.  
Latham.  
Leonard.  
Lotief.

Magee.  
Mackay.  
McClain.  
Merritt.  
Metcalfe.  
Mitcham.  
Moffett.  
Morrison.  
Morse.  
Palmer.  
Pavlica.  
Pope.  
Ramsey.  
Ratliff.  
Ray.  
Reader.  
Reed of Dallas.  
Renfro.  
Riddle.  
Roberts.  
Rogers of Hunt.  
Rollins.  
Russell.  
Savage.  
Scott.  
Shannon.  
Shults.  
Smith.  
Stanfield.  
Steward.  
Stinson.  
Stovall.  
Sullivant.  
Tarwater.  
Tennyson.  
Tillery.  
Townsend.  
Turlington.  
Van Zandt.  
Wagstaff.  
Walker.  
Winningham.

#### Nays—24

Adamson.	Hunt.
Alexander.	Jones of Runnels.
Baker.	Laird.
Caven.	Lindsey.
Daniel.	Moore.
Dean.	Munson.
Fain.	Patterson.
Greathouse.	Puryear.
Harris.	Reed of Bowie.
Head.	Thomas.
Hoskins.	Vaughan.
Hughes.	Wood.

#### Absent

Barron.	Colson.
Bradley.	Cowley.
Calvert.	Duvall.
Camp.	Graves.
Celaya.	Harrison.
Chastain.	Hester.
Clayton.	Hill of Webb.

Johnson	McKee.
of Anderson.	Nicholson.
Johnson	Parkhouse.
of Dimmit.	Rogers
Jones of Atascosa.	of Ochiltree.
Jones of Shelby.	Ross.
Long.	Scarborough.
McCullough.	Young.
McGregor.	

## Absent—Excused

Fisher.	McDougald.
Hill of Brazoria.	Weinert.
Lemens.	Wells.
Mathis.	

SENATE BILL NO. 355 ON SECOND  
READING

Mr. Good moved that the Seventy-two-hour Rule, the Twenty-four-hour Rule, and the regular order of business be suspended, to take up, for consideration at this time,

S. B. No. 355, A bill to be entitled "An Act to amend Article 5561, of the Revised Civil Statutes of the State of Texas, 1925, as amended by the Acts of the Forty-first Legislature, passed at its First Called Session, and found in the published laws of said Session, Chapter 101, pages 243 and 244, providing that officers in lunacy cases shall be allowed the same fees as are now allowed for similar services performed in misdemeanor cases, and the jurors shall each be allowed a fee of one dollar (\$1), to be paid out of the estate of the defendant, if he have an estate, otherwise by the county, on accounts approved by the county judge; and declaring an emergency."

The motion prevailed.

The Speaker then laid the bill before the House; it was read second time, and was passed to third reading.

SENATE BILL NO. 355 ON THIRD  
READING

Mr. Good moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 355 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—85

Adamson.	Anderson
Aikin.	of Bexar.
Alexander.	Anderson
Alsop.	of Johnson.

Baker.	Johnson
Barrett.	of Dimmit.
Barron.	Jones of Atascosa.
Beck.	Jones of Runnels.
Bedford.	Laird.
Bourne.	Latham.
Butler.	Lotief.
Canon.	Magee.
Cathey.	Mackay.
Caven.	McClain.
Clayton.	McGregor.
Coombes.	McKee.
Crossley.	Merritt.
Dean.	Mitcham.
Devall.	Moffett.
Dunagan.	Morrison.
Engelhard.	Pavlica.
Few.	Pope.
Ford.	Purveyar.
Fuchs.	Ratliff.
Glass.	Ray.
Golson.	Renfro.
Good.	Roberts.
Goodman.	Rogers
Griffith.	of Ochiltree.
Haag.	Ross.
Hankamer.	Russell.
Harman.	Savage.
Harris.	Scott.
Head.	Shults.
Hodges.	Steward.
Holland.	Stovall.
Holloway.	Sullivant.
Hoskins.	Tarwater.
Huddleston.	Thomas.
Hughes.	Turlington.
Hunt.	Van Zandt.
Hyder.	Vaughan.
Jackson.	Walker.
James.	Winningham.
	Wood.

## Nays—18

Daniel.	Palmer.
Davidson.	Parkhouse.
Fain.	Reed of Bowie.
Greathouse.	Reed of Dallas.
Hicks.	Riddle.
Kyle of Hays.	Rollins.
Lindsey.	Shannon.
Munson.	Stanfield.
Nicholson.	Tillery.

## Present—Not Voting

Holekamp.

## Absent

Bradley.	Dunlap.
Burns.	Duvall.
Calvert.	Dwyer.
Camp.	Graves.
Celaya.	Harrison.
Chastain.	Hartzog.
Colson.	Hester.
Cowley.	Hill of Webb.

Jefferson.	Patterson.
Johnson	Ramsey.
of Anderson.	Reader.
Jones of Shelby.	Rogers of Hunt.
Kayton.	Scarborough.
Kyle of Palo Pinto.	Smith.
Leonard.	Stinson.
Long.	Tennyson.
McCullough.	Townsend.
Metcalfe.	Wagstaff.
Moore.	Young.
Morse.	

## Absent—Excused

Fisher.	McDougald.
Hill of Brazoria.	Weinert.
Lemens.	Wells.
Mathis.	

The Speaker then laid Senate Bill No. 355 before the House on its third reading and final passage.

The bill was read third time, and was passed.

## MESSAGE FROM THE SENATE

Senate Chamber,  
Austin, Texas, May 30, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted conference committee report on Senate Bill No. 209 by the following vote: Yeas, 25; nays, 2.

The Senate has adopted conference committee report on House Bill No. 256 by the following vote: Yeas, 30; nays, 0.

Respectfully,

BOB BARKER,  
Secretary of the Senate.

## HOUSE BILL NO. 373 ON SECOND READING

Mr. Anderson of Bexar moved that the Seventy-two-hour Rule, the Forty-eight-hour Rule, and the regular order of business be suspended, to take up, for consideration at this time,

H. B. No. 373, A bill to be entitled "An Act amending Article 5089, Revised Civil Statutes; and Article 5090, Revised Civil Statutes; and Article 5095, Revised Civil Statutes, as amended by the Act of 1931, Forty-second Legislature, page 416, Chapter 249, regulating the sale of alcohol and wine by wholesale druggists and retail druggists or pharmacists; and providing for the keeping of records thereof; and prescribing the du-

ties of physicians issuing prescriptions, and providing for the Comptroller to issue permits and collect a fee therefor; adding a new Section to be known as Article 5090-a, etc.; and repealing all laws in conflict herewith."

The motion was lost (not receiving the necessary two-thirds vote) by the following vote:

## Yeas—63

Adamson.	Hughes.
Alexander.	Hyder.
Anderson	Jackson.
of Bexar.	James.
Baker.	Jefferson.
Barron.	Kayton.
Bedford.	Kyle of Palo Pinto.
Butler.	Laird.
Cathey.	Mackay.
Caven.	McClain.
Celaya.	McCullough.
Clayton.	Moore.
Coombes.	Morse.
Davidson.	Nicholson.
Devall.	Pavlica.
Dunagan.	Reader.
Dwyer.	Reed of Dallas.
Engelhard.	Renfro.
Fuchs.	Roberts.
Glass.	Rogers
Good.	of Ochiltree.
Greathouse.	Russell.
Haag.	Shannon.
Hankamer.	Stanfield.
Harris.	Sullivant.
Hartzog.	Tarwater.
Hester.	Tennyson.
Hicks.	Tillery.
Hodges.	Van Zandt.
Holekamp.	Vaughan.
Holland.	Walker.
Holloway.	Young.
Hoskins.	

## Nays—45

Aikin.	Jones of Runnels.
Alsup.	Kyle of Hays.
Anderson	Latham.
of Johnson.	Lindsey.
Barrett.	Lotief.
Beck.	Magee.
Bourne.	Merritt.
Burns.	Mitcham.
Canon.	Moffett.
Daniel.	Morrison.
Dean.	Munson.
Fain.	Palmer.
Few.	Puryear.
Harman.	Ratliff.
Head.	Ray.
Huddleston.	Reed of Bowie.
Hunt.	Riddle.
Johnson	Rollins.
of Dimmit.	Savage.

Scott.	Thomas.
Shults.	Turlington.
Smith.	Winningham.
Steward.	Wood.
Stovall.	

## Present—Not Voting

McKee.

## Absent

Bradley.	Jones of Atascosa.
Calvert.	Jones of Shelby.
Camp.	Leonard.
Chastain.	Long.
Colson.	McGregor.
Cowley.	Metcalfe.
Crossley.	Parkhouse.
Dunlap.	Patterson.
Duvall.	Pope.
Ford.	Ramsey.
Golson.	Rogers of Hunt.
Goodman.	Ross.
Graves.	Scarborough.
Griffith.	Stinson.
Harrison.	Townsend.
Hill of Webb.	Wagstaff.
Johnson of Anderson.	

## Absent—Excused

Fisher.	McDougald.
Hill of Brazoria.	Weinert.
Lemens.	Wells.
Mathis.	

RELATIVE TO HOUSE BILL  
NO. 861

The Speaker asked unanimous consent of the House to amend the caption of House Bill No. 861 to conform to the body of the bill.

There was no objection offered, and it was so ordered.

MOTION TO TAKE UP HOUSE  
BILL NO. 312

Mr. Davidson moved that the Seventy-two-hour Rule, the Forty-eight-hour Rule, and the regular order of business be suspended, to take up, for consideration at this time,

H. B. No. 312, A bill to be entitled "An Act to define 'license tax,' regulate and control recreation establishments, fixing penalties for violation of said Act, and declaring an emergency."

The motion was lost.

SENATE BILL NO. 283 ON SECOND  
READING

Mr. Stinson (for Mr. Bedford), moved that the Seventy-two-hour

Rule, the Forty-eight-hour Rule, and the regular order of business be suspended, to take up, for consideration at this time,

S. B. No. 283, A bill to be entitled "An Act to amend Sections 2 and 3-a of an Act passed by the Legislature of Texas, February 26, 1929, House Bill No. 153, relating to title insurance business and the capital stock of corporations doing such business, and to prohibit such corporations guaranteeing mortgages; and declaring an emergency."

The motion prevailed by the following vote:

Yeas—88

Aikin.	Kyle of Hays.
Alexander.	Laird.
Anderson	Long.
of Johnson.	Mackay.
Bedford.	Magee.
Bourne.	McClain.
Bradley.	Merritt.
Burns.	Mitcham.
Butler.	Moffett.
Calvert.	Moore.
Canon.	Morrison.
Cathey.	Morse.
Caven.	Nicholson.
Chastain.	Palmer.
Clayton.	Parkhouse.
Coombes.	Patterson.
Daniel.	Pavlica.
Davidson.	Ramsey.
Dean.	Ratliff.
Dwyer.	Ray.
Few.	Reader.
Ford.	Reed of Dallas.
Fuchs.	Renfro.
Glass.	Riddle.
Goodman.	Roberts.
Griffith.	Rogers
Haag.	of Ochiltree.
Hankamer.	Rollins.
Harris.	Savage.
Hartzog.	Shannon.
Head.	Shults.
Hester.	Smith.
Hill of Webb.	Stanfield.
Hodges.	Steward.
Holekamp.	Stinson.
Holland.	Stovall.
Hoskins.	Tarwater.
Huddleston.	Thomas.
Hughes.	Townsend.
Hunt.	Turlington.
Hyder.	Van Zandt.
Jackson.	Vaughan.
James.	Wagstaff.
Johnson	Walker.
of Dimmit.	Wood.
Kayton.	

## Nays—21

Adamson.	Lindsey.
Alsup.	Lotief.
Baker.	McKee.
Barrett.	Munson.
Beck.	Puryear.
Camp.	Reed of Bowie.
Dunagan.	Rogers of Hunt.
Fain.	Russell.
Greathouse.	Tillery.
Jones of Runnels.	Winningham.
Kyle of Palo Pinto.	

## Absent

Anderson	Jefferson.
of Bexar.	Johnson
Barron.	of Anderson.
Celaya.	Jones of Atascosa.
Colson.	Jones of Shelby.
Cowley.	Latham.
Crossley.	Leonard.
Devall.	McCullough.
Dunlap.	McGregor.
Duvall.	Metcalfe.
Engelhard.	Pope.
Golson.	Ross.
Good.	Scarborough.
Graves.	Scott.
Harman.	Sullivant.
Harrison.	Tennyson.
Hicks.	Young.
Holloway.	

## Absent—Excused

Fisher.	McDougald.
Hill of Brazoria.	Weinert.
Lemens.	Wells.
Mathis.	

The Speaker then laid the bill before the House, and it was read second time.

Mr. Camp raised a point of order on the ground that a bill containing the same subject matter has heretofore been defeated by the House.

The Speaker overruled the point of order.

Senate Bill No. 283 was then passed to third reading.

# MOTION TO TAKE UP SENATE BILL NO. 283

Mr. Stinson moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 283 be placed on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote) by the following vote:

## Yeas—78

Adamson.	James.
Aikin.	Johnson
Alexander.	of Dimmit.
Alsup.	Jones of Atascosa.
Anderson	Kayton.
of Bexar.	Kyle of Palo Pinto.
Anderson	Mackay.
of Johnson.	Magee.
Barrett.	Metcalfe.
Barron.	Mitcham.
Bedford.	Moffett.
Bourne.	Moore.
Butler.	Morrison.
Calvert.	Morse.
Canon.	Nicholson.
Celaya.	Parkhouse.
Chastain.	Patterson.
Clayton.	Pavlica.
Coombes.	Ratliff.
Cowley.	Ray.
Crossley.	Reader.
Daniel.	Reed of Dallas.
Davidson.	Renfro.
Dean.	Rogers of Hunt.
Dunlap.	Rollins.
Dwyer.	Savage.
Engelhard.	Scarborough.
Ford.	Shannon.
Fuchs.	Shults.
Golson.	Steward.
Hankamer.	Stinson.
Harris.	Sullivant.
Head.	Tennyson.
Hill of Webb.	Townsend.
Hodges.	Turlington.
Holland.	Van Zandt.
Holloway.	Wagstaff.
Hoskins.	Walker.
Huddleston.	Winningham.
Hughes.	Wood.
Jackson.	

## Nays—27

Baker.	Lindsey.
Beck.	Lotief.
Camp.	Merritt.
Dunagan.	Munson.
Fain.	Puryear.
Few.	Reed of Bowie.
Glass.	Riddle.
Good.	Russell.
Haag.	Scott.
Hyder.	Stanfield.
Jones of Runnels.	Thomas.
Jones of Shelby.	Tillery.
Laird.	Vaughan.
Latham.	

## Present—Not Voting

Holekamp.

## Absent

Bradley.	Caven.
Burns.	Colson.
Cathey.	Devall.

Duvall.	Long.
Goodman.	McClain.
Graves.	McCullough.
Greathouse.	McGregor.
Griffith.	McKee.
Harman.	Palmer.
Harrison.	Pope.
Hartzog.	Ramsey.
Hester.	Roberts.
Hicks.	Rogers
Hunt.	of Ochiltree.
Jefferson.	Ross.
Johnson	Smith.
of Anderson.	Stovall.
Kyle of Hays.	Tarwater.
Leonard.	Young.

## Absent—Excused

Fisher.	McDougald.
Hill of Brazoria.	Weinert.
Lemens.	Wells.
Mathis.	

## SENATE BILL NO. 514 ON SECOND READING

Mr. Cowley (for Mr. Hicks) moved that the Seventy-two-hour Rule, the Forty-eight-hour Rule, and the regular order of business be suspended, to take up, for consideration at this time,

S. B. No. 514, A bill to be entitled "An Act to prohibit the taking, killing, or possession of wild fox for the purpose of barter or sale, and prohibiting the use of steel traps for taking fur-bearing animals in certain counties, and declaring an emergency."

The motion prevailed.

The Speaker then laid Senate Bill No. 514 before the House; it was read second time, and was passed to third reading.

## SENATE BILL NO. 514 ON THIRD READING

Mr. Cowley moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 514 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—106

Adamson.	Anderson
Aikin.	of Johnson.
Alexander.	Baker.
Alsup.	Barrett.
Anderson	Barron.
of Bexar.	Beck.

Bedford.	Laird.
Bourne.	Latham.
Burns.	Lindsey.
Butler.	Lotief.
Calvert.	Mackay.
Camp.	Magee.
Canon.	Merritt.
Celaya.	Metcalfe.
Chastain.	Mitcham.
Clayton.	Moffett.
Coombes.	Moore.
Cowley.	Morrison.
Crossley.	Morse.
Daniel.	Munson.
Davidson.	Nicholson.
Dean.	Parkhouse.
Devall.	Patterson.
Dunagan.	Pavlica.
Engelhard.	Puryear.
Fain.	Ratliff.
Few.	Ray.
Ford.	Reader.
Fuchs.	Reed of Bowie.
Glass.	Reed of Dallas.
Good.	Renfro.
Greathouse.	Rogers of Hunt.
Griffith.	Rollins.
Haag.	Russell.
Hankamer.	Savage.
Harris.	Scarborough.
Head.	Scott.
Hester.	Shannon.
Hicks.	Smith.
Hodges.	Stanfield.
Holekamp.	Steward.
Holland.	Stinson.
Holloway.	Stovall.
Hoskins.	Sullivan.
Hughes.	Tarwater.
Hyder.	Tennyson.
Jackson.	Thomas.
James.	Tillery.
Jones of Atascosa.	Townsend.
Jones of Runnels.	Turlington.
Jones of Shelby.	Van Zandt.
Kayton.	Vaughan.
Kyle of Hays.	Wagstaff.
Kyle of Palo Pinto.	Walker.

## Nays—1

Huddleston.

## Present—Not Voting

Winningham.

## Absent

Bradley.	Harman.
Cathey.	Harrison.
Caven.	Hartzog.
Colson.	Hill of Webb.
Dunlap.	Hunt.
Duvall.	Jefferson.
Dwyer.	Johnson
Golson.	of Anderson.
Goodman.	Johnson
Graves.	of Dimmit.

Leonard.	Riddle.
Long.	Roberts.
McClain.	Rogers
McCullough.	of Ochiltree.
McGregor.	Ross.
McKee.	Shults.
Palmer.	Wood.
Pope.	Young.
Ramsey.	

## Absent—Excused

Fisher.	McDougald.
Hill of Brazoria.	Weinert.
Lemens.	Wells.
Mathis.	

The Speaker then laid Senate Bill No. 514 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—104

Adamson.	Holekamp.
Aikin.	Holland.
Alexander.	Holloway.
Alsup.	Hoskins.
Anderson	Hughes.
of Bexar.	Hyder.
Anderson	Jackson.
of Johnson.	James.
Baker.	Jones of Atascosa.
Barrett.	Jones of Runnels.
Barron.	Jones of Shelby.
Beck.	Kayton.
Bedford.	Kyle of Hays.
Bourne.	Kyle of Palo Pinto.
Burns.	Laird.
Butler.	Latham.
Camp.	Lindsey.
Canon.	Lotief.
Clayton.	Mackay.
Coombes.	Magee.
Cowley.	Merritt.
Crossley.	Metcalf.
Daniel.	Mitcham.
Dean.	Moffett.
Devall.	Moore.
Dunagan.	Morrison.
Fain.	Morse.
Few.	Munson.
Ford.	Nicholson.
Fuchs.	Parkhouse.
Glass.	Patterson.
Good.	Pavlica.
Goodman.	Puryear.
Greathouse.	Ratliff.
Griffith.	Ray.
Haag.	Reader.
Hankamer.	Reed of Bowie.
Harris.	Reed of Dallas.
Head.	Renfro.
Hester.	Riddle.
Hicks.	Rogers of Hunt.
Hill of Webb.	Rollins.
Hodges.	Russell.

Savage.	Tarwater.
Scarborough.	Tennyson.
Scott.	Thomas.
Shannon.	Tillery.
Shults.	Townsend.
Smith.	Turlington.
Steward.	Van Zandt.
Stinson.	Vaughan.
Stovall.	Walker.
Sullivant.	Wood.

## Nays—2

Calvert.	Huddleston.
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## Present—Not Voting

Winningham.

## Absent

Bradley.	Johnson
Cathey.	of Dimmit.
Caven.	Leonard.
Celaya.	Long.
Chastain.	McClain.
Colson.	McCullough.
Davidson.	McGregor.
Dunlap.	McKee.
Duvall.	Palmer.
Dwyer.	Pope.
Engelhard.	Ramsey.
Golson.	Roberts.
Graves.	Rogers
Harman.	of Ochiltree.
Harrison.	Ross.
Hartzog.	Stanfield.
Hunt.	Wagstaff.
Jefferson.	Young.
Johnson	
of Anderson.	

## Absent—Excused

Fisher.	McDougald.
Hill of Brazoria.	Weinert.
Lemens.	Wells.
Mathis.	

## HOUSE BILL NO. 501 ON SECOND READING

Mr. Renfro moved that the Seventy-two-hour Rule, the Forty-eight-hour Rule, and the regular order of business be suspended, to take up, for consideration at this time,

H. B. No. 501, A bill to be entitled "An Act to amend Section 2, of Chapter 91, of the Acts of the Thirty-seventh Legislature, being 'An Act defining live stock commission merchants; requiring such merchants to give bond; providing for the renewal of such bond; the approval and recording of the same; imposing penalties for pursuing the occupation of a



live stock commission merchant when bond has not been made or renewed,' etc.; and declaring an emergency."

The motion prevailed.

The Speaker laid the bill before the House, and it was read second time.

Mr. Shannon offered the following committee amendments to the bill:

(1)

Amend House Bill No. 501 by striking out all below the enacting clause, and inserting in lieu thereof the following:

"Section 1. That Section 2, of Chapter 91, of the Acts of the Regular Session of the Thirty-seventh Legislature, be, and the same is hereby, amended so as to hereafter read as follows:

"Section 2. All live stock commission merchants, before they shall engage in said business within this State, are hereby required to make bond in an amount hereinafter specified, signed by some responsible surety company, regularly authorized to do business under the laws of this State and having a paid-up capital of not less than five hundred thousand dollars (\$500,000), which said bond shall be payable to the county judge of the county in which such live stock commission merchant has his principal office or place of business, and to his successors in office, as trustee for all persons who may become entitled to the benefits of this Act, such bond to be filed in the office of the county clerk of the county in which such commission merchant has his principal office or place of business, and in which county suits shall be instituted for any alleged breaches of said bond; and providing further, that all live stock commission merchants shall, upon the request of any person with whom they transact any business whatsoever, be required to exhibit their bond; and shall exhibit such bond for examination by any such person; and provided further, that all live stock commission merchants shall post a certified copy of said bond in some conspicuous place in the office of the principal place of business of said live stock commission merchant; and it is further provided, that all live stock commission merchants doing business in this State shall show on their business letter-heads and/or stationery the amount of the said bond; and provided further,

that if any person required to execute the bond provided for in this Act shall refuse to exhibit such bond, the stock yards owner shall not be required to furnish facilities for the transaction of his commission business; and a failure to exhibit such bond shall constitute a misdemeanor and shall be punishable as provided in Section 12 of this Act.'

"Sec. 2. That Section 3, of Chapter 91, Acts of the Regular Session of the Thirty-seventh Legislature, be, and the same is hereby, amended so as to hereafter read as follows:

"Section 3. Said bond shall be conditioned that such live stock commission merchant will faithfully obey and carry out all the terms and provisions of this Act, and will faithfully and truly perform all agreements entered into with all the consignors, owners, or those holding valid liens on said live stock with respect to receiving, handling, selling, and making remittances and payments of the net proceeds thereof to the said named parties, or to the person, firm, or corporation to whom said consignors, owners, or valid lien holders shall direct such payments to be made; and said bond shall further provide and shall be conditioned that such live stock commission merchant shall, within forty-eight hours of the sale of live stock so consigned, excluding the day of sale, Sundays, and holidays, remit the net proceeds thereof to the parties rightfully entitled to receive the same, or to such person, firm, or corporation to whom such parties shall direct the payment to be made, or shall, within forty-eight hours of the sale of such live stock for said parties at interest, deposit to the credit of such parties their respective interests in the net proceeds thereof in some State or National bank in the city or town where such live stock commission merchant has his principal office or place of business, if requested by any or all of the said parties at interest to do so.

"Said bond shall be made annually, and shall expire on September 1, of each year.

"The amount of such bond shall be fixed by the county judge as follows: Double the amount of the average daily sales of the stock sold on commission for the preceding twelve months period (computed upon the number of business days) by the per-

son, firm, or corporation desiring to pursue the business of a live stock commission merchant, which facts shall be made to appear to the county judge by the sworn statement of the individual, or member of the partnership, or by the president or secretary of the corporation, seeking the approval of said bond; and provided further, that any person, firm, or corporation who has not theretofore engaged in the business of a live stock commission merchant shall give bond in the sum of ten thousand dollars (\$10,000), which shall be the minimum bond to be given under this Act. Provided, the period of forty-eight hours shall be computed excluding the day of sale, Sundays, and holidays.'

"Sec. 3. The fact that there is now no law requiring such commission merchants to show that they have complied with the provisions of such Chapter 91, and that they have executed the bond therein required, creates an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three several days, be suspended, and said rule is hereby suspended, and further, that this Act shall be in force and effect from and after its passage."

(2)

Amend House Bill No. 501 by striking out all above the enacting clause, and inserting in lieu thereof the following:

"H. B. No. 501,

A BILL

To Be Entitled

An Act to amend Sections 2 and 3, of Chapter 91, of the Acts of the Thirty-seventh Legislature, being an Act 'defining live stock commission merchants; requiring such merchants to give bond; providing for the renewal of such bond; the approval and recording of the same; imposing penalties for pursuing the occupation of a live stock commission merchant when bond has not been made or renewed, or when there has been an intentional breach of said bond or for making materially false statements in the application relative to fixing the amount of the bond; requiring remittances of the proceeds of stock sold by such commission merchant

to be made to the parties rightfully entitled thereto within forty-eight hours after such sale has been made, and prescribing penalty for failure to so remit; prohibiting the appropriation or use for any purpose by such live stock commission merchant of net proceeds of live stock sold by such live stock commission merchant and prescribing penalty for so appropriating or using, requiring the posting of a certified copy of the bond in some conspicuous place in the office of the principal place of business of said live stock commission merchant, and further providing that the amount of said bond shall be shown on the business letterheads, and/or stationery of said live stock commission merchant, and prescribing penalty for failure so to do; providing for suits upon said bond and fixing the venue thereof; repealing all laws in conflict herewith and especially the Act of the Thirty-third Legislature, Chapter 49, Regular Session, page 93, and declaring an emergency,' so as to provide in such Sections 2 and 3 that all persons executing the bond therein provided for, shall be required to exhibit such bond to any person with whom such person does business when called upon so to do; and providing that unless such exhibit is made stock yard owners shall not be required to furnish facilities for the transaction of commission business to such merchant; and changing the minimum amount of bond required of commission merchants from the sum of \$20,000 to the sum of \$10,000; providing penalties, and declaring an emergency."

DUVALL,  
SHANNON.

The amendments were severally adopted.

House Bill No. 501 was then passed to engrossment.

#### HOUSE BILL NO. 501 ON THIRD READING

Mr. Shannon moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 501 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—96

Adamson.	Laird.
Aikin.	Latham.
Alexander.	Leonard.
Alsup.	Lotief.
Anderson	Mackay.
of Bexar.	Magee.
Anderson	Merritt.
of Johnson.	Metcalf.
Baker.	Mitcham.
Barrett.	Moffett.
Beck.	Moore.
Bourne.	Morrison.
Burns.	Morse.
Calvert.	Munson.
Camp.	Nicholson.
Canon.	Palmer.
Cathey.	Patterson.
Celaya.	Pavlica.
Clayton.	Pope.
Coombes.	Puryear.
Crossley.	Ratliff.
Daniel.	Ray.
Dean.	Reader.
Engelhard.	Reed of Dallas.
Fain.	Renfro.
Few.	Rogers of Hunt.
Ford.	Rogers
Fuchs.	of Ochiltree.
Glass.	Rollins.
Good.	Russell.
Greathouse.	Savage.
Griffith.	Scarborough.
Haag.	Scott.
Hankamer.	Shannon.
Hartzog.	Shults.
Head.	Smith.
Hester.	Stanfield.
Hicks.	Steward.
Hodges.	Stinson.
Holekamp.	Stovall.
Holland.	Sullivant.
Hoskins.	Tarwater.
Hughes.	Tennyson.
Hyder.	Thomas.
Jackson.	Townsend.
James.	Turlington.
Jones of Atascosa.	Walker.
Kayton.	Wood.
Kyle of Hays.	Young.
Kyle of Palo Pinto.	

## Nays—8

Huddleston.	Reed of Bowie.
Jones of Runnels.	Riddle.
Jones of Shelby.	Vaughan.
Lindsey.	Winningham.

## Present—Not Voting

Parkhouse.

## Absent

Barron.	Caven.
Bedford.	Chastain.
Bradley.	Colson.
Butler.	Cowley.

Davidson.	Johnson
Devall.	of Anderson.
Dunlap.	Johnson
Dunagan.	of Dimmit.
Duvall.	Long.
Dwyer.	McClain.
Golson.	McCullough.
Goodman.	McGregor.
Graves.	McKee.
Harman.	Ramsey.
Harris.	Roberts.
Harrison.	Ross.
Hill of Webb.	Tillery.
Holloway.	Van Zandt.
Hunt.	Wagstaff.
Jefferson.	

## Absent—Excused

Fisher.	McDougald.
Hill of Brazoria.	Weinert.
Lemens.	Wells.
Mathis.	

The Speaker then laid House Bill No. 501 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—102

Adamson.	Haag.
Aikin.	Hankamer.
Alexander.	Harris.
Alsup.	Hartzog.
Anderson	Head.
of Bexar.	Hester.
Anderson	Hicks.
of Johnson.	Hodges.
Baker.	Holekamp.
Barrett.	Holland.
Beck.	Holloway.
Bourne.	Hoskins.
Bradley.	Hughes.
Burns.	Hyder.
Calvert.	Jackson.
Camp.	James.
Canon.	Johnson
Celaya.	of Dimmit.
Clayton.	Jones of Atascosa.
Colson.	Kayton.
Coombes.	Kyle of Palo Pinto.
Crossley.	Laird.
Daniel.	Latham.
Dean.	Leonard.
Devall.	Long.
Engelhard.	Lotief.
Fain.	Mackay.
Few.	Magee.
Ford.	McClain.
Fuchs.	Merritt.
Glass.	Metcalf.
Good.	Mitcham.
Goodman.	Moffett.
Greathouse.	Moore.
Griffith.	Morrison.

Morse.	Savage.
Munson.	Scott.
Nicholson.	Shannon.
Palmer.	Shults.
Parkhouse.	Smith.
Patterson.	Stanfield.
Pope.	Steward.
Puryear.	Stinson.
Ray.	Stovall.
Reader.	Sullivant.
Reed of Dallas.	Tarwater.
Renfro.	Tennyson.
Roberts.	Thomas.
Rogers of Hunt.	Townsend.
Rogers	Turlington.
of Ochiltree.	Van Zandt.
Rollins.	Walker.
Russell.	Wood.

## Nays—9

Huddleston.	Reed of Bowie.
Jones of Runnels.	Riddle.
Jones of Shelby.	Vaughan.
Lindsey.	Winningham.
Ratliff.	

## Absent

Barron.	Hill of Webb.
Bedford.	Hunt.
Butler.	Jefferson.
Cathey.	Johnson
Caven.	of Anderson.
Chastain.	Kyle of Hays.
Cowley.	McCullough.
Davidson.	McGregor.
Dunlap.	McKee.
Dunagan.	Pavlica.
Duvall.	Ramsey.
Dwyer.	Ross.
Golson.	Scarborough.
Graves.	Tillery.
Harman.	Wagstaff.
Harrison.	Young.

## Absent—Excused

Fisher.	McDougald.
Hill of Brazoria.	Weinert.
Lemens.	Wells.
Mathis.	

MOTION TO TAKE UP HOUSE  
BILL NO. 184

Mr. Burns (for Mr. Graves), moved that the Seventy-two-hour Rule, the Forty-eight-hour Rule, and the regular order of business be suspended, to take up, for consideration at this time,

H. B. No. 184, A bill to be entitled "An Act to amend Subdivision 4, 'Gas and Light,' of Chapter 10, Title 32, Revised Civil Statutes of Texas, 1925, by adding thereto Article 1436-a, providing that no gas, electric current, or power corporations mentioned

in Article 1435, Revised Civil Statutes of Texas, 1925, shall, after the passage of this Act, engage in the business of selling, leasing, renting, or distributing goods, wares, or merchandise at wholesale or retail other than gas and electric current to consumers of their services, even though such goods, wares, or merchandise may be designed, fabricated for, and capable of being used in the consumption of gas or electric current furnished by such corporations, etc."

The motion was lost.

SENATE BILL NO. 546 ON SECOND  
READING

Mr. Celaya (for Mr. McClain) moved that the Seventy-two-hour Rule, the Forty-eight-hour Rule, and the regular order of business be suspended, to take up, for consideration at this time,

S. B. No. 546, A bill to be entitled "An Act creating and validating Cameron County Water Control and Improvement District No. 19, in Cameron County, Texas, under the provisions of Section 59, of Article XVI, of the Constitution of Texas, for the purposes of the control, storing, preservation, and distribution of its waters and flood waters; etc.; and declaring an emergency."

The motion prevailed.

The Speaker then laid the bill before the House; it was read second time, and was passed to third reading.

SENATE BILL NO. 546 ON THIRD  
READING

Mr. Celaya moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 546 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—104

Adamson.	Bourne.
Aikin.	Bradley.
Alsup.	Burns.
Anderson	Camp.
of Bexar.	Celaya.
Anderson	Clayton.
of Johnson.	Coombes.
Baker.	Crossley.
Barrett.	Daniel.
Barron.	Davidson.
Beck.	Dean.

Engelhard.	Moore.
Fain.	Morrison.
Few.	Morse.
Ford.	Munson.
Fuchs.	Nicholson.
Glass.	Palmer.
Golson.	Patterson.
Good.	Pavlica.
Goodman.	Pope.
Greathouse.	Puryear.
Griffith.	Ratliff.
Haag.	Ray.
Hankamer.	Reader.
Harris.	Reed of Bowie.
Head.	Reed of Dallas.
Hodges.	Renfro.
Holekamp.	Riddle.
Hoskins.	Roberts.
Huddleston.	Rogers of Hunt.
Hughes.	Rogers
Hyder.	of Ochiltree.
Aikin.	Rollins.
Jackson.	Russell.
James.	Savage.
Johnson	Scarborough.
of Dimmit.	Scott.
Jones of Atascosa.	Shannon.
Jones of Runnels.	Shults.
Jones of Shelby.	Smith.
Kayton.	Stanfield.
Kyle of Palo Pinto.	Steward.
Laird.	Sullivant.
Latham.	Tarwater.
Leonard.	Tennyson.
Lindsey.	Thomas.
Lotief.	Tillery.
Mackay.	Turlington.
Magee.	Van Zandt.
McClain.	Vaughan.
McCullough.	Walker.
Merritt.	Winningham.
Metcalfe.	Wood.
Mitcham.	Young.
Moffett.	

## Nays—1

Townsend.

## Present—Not Voting

Alexander.

## Absent

Bedford.	Harman.
Butler.	Harrison.
Calvert.	Hartzog.
Canon.	Hester.
Cathey.	Hicks.
Caven.	Hill of Webb.
Chastain.	Holland.
Colson.	Holloway.
Cowley.	Hunt.
Devall.	Jefferson.
Dunlap.	Johnson
Dunagan.	of Anderson.
Duvall.	Kyle of Hays.
Dwyer.	Long.
Graves.	McGregor.

McKee.	Stinson.
Parkhouse.	Stovall.
Ramsey.	Wagstaff.
Ross.	

## Absent—Excused

Fisher.	McDougald.
Hill of Brazoria.	Weinert.
Lemens.	Wells.
Mathis.	

The Speaker then laid Senate Bill No. 546 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—103

Adamson.	Johnson
Aikin.	of Dimmit.
Alexander.	Jones of Atascosa.
Alsup.	Jones of Runnels.
Anderson	Jones of Shelby.
of Bexar.	Kyle of Hays.
Anderson	Kyle of Palo Pinto.
of Johnson.	Laird.
Baker.	Latham.
Barron.	Leonard.
Beck.	Long.
Bourne.	Lotief.
Bradley.	Mackay.
Burns.	Magee.
Calvert.	Merritt.
Camp.	Metcalfe.
Celaya.	Mitcham.
Clayton.	Moffett.
Coombes.	Moore.
Daniel.	Morrison.
Davidson.	Morse.
Dean.	Munson.
Devall.	Nicholson.
Dunlap.	Patterson.
Fain.	Pavlica.
Few.	Pope.
Ford.	Puryear.
Fuchs.	Ratliff.
Glass.	Ray.
Good.	Reader.
Goodman.	Reed of Bowie.
Greathouse.	Reed of Dallas.
Griffith.	Renfro.
Haag.	Riddle.
Hankamer.	Roberts.
Harris.	Rogers of Hunt.
Hester.	Rogers
Hicks.	of Ochiltree.
Hill of Webb.	Rollins.
Hodges.	Russell.
Holekamp.	Savage.
Holloway.	Scott.
Huddleston.	Shults.
Hughes.	Stanfield.
Hyder.	Steward.
Jackson.	Stinson.
James.	Stovall.

Sullivan.  
Tarwater.  
Tennyson.  
Thomas.  
Tillery.  
Townsend.  
Turlington.

Van Zandt.  
Vaughan.  
Walker.  
Winningham.  
Wood.  
Young.

## Absent

Barrett.  
Bedford.  
Butler.  
Canon.  
Cathey.  
Caven.  
Chastain.  
Colson.  
Cowley.  
Crossley.  
Dunagan.  
Duvall.  
Dwyer.  
Engelhard.  
Golson.  
Graves.  
Harman.  
Harrison.  
Hartzog.  
Head.

Holland.  
Hoskins.  
Hunt.  
Jefferson.  
Johnson  
of Anderson.  
Kayton.  
Lindsey.  
McClain.  
McCullough.  
McGregor.  
McKee.  
Palmer.  
Parkhouse.  
Ramsey.  
Ross.  
Scarborough.  
Shannon.  
Smith.  
Wagstaff.

## Absent—Excused

Fisher.  
Hill of Brazoria.  
Lemens.  
Mathis.

McDougald.  
Weinert.  
Wells.

SENATE BILL NO. 283 ON THIRD  
READING

Mr. Johnson of Dimmit moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 283 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—88

Adamson.  
Aikin.  
Alexander.  
Alsup.  
Anderson  
of Bexar.  
Anderson  
of Johnson.  
Barron.  
Beck.  
Bourne.  
Bradley.  
Burns.  
Butler.  
Calvert.  
Caven.  
Clayton.

Coombes.  
Crossley.  
Daniel.  
Davidson.  
Dean.  
Dunlap.  
Engelhard.  
Fain.  
Few.  
Ford.  
Fuchs.  
Glass.  
Goodman.  
Griffith.  
Haag.  
Hankamer.  
Harris.

Hester.  
Hicks.  
Hodges.  
Holekamp.  
Huddleston.  
Jackson.  
James.  
Johnson  
of Dimmit.  
Jones of Atascosa.  
Jones of Shelby.  
Kayton.  
Kyle of Palo Pinto.  
Laird.  
Long.  
Lotief.  
Mackay.  
Magee.  
McClain.  
McKee.  
Mitcham.  
Moore.  
Morrison.  
Morse.  
Nicholson.  
Palmer.  
Parkhouse.  
Patterson.  
Ratliff.

Ray.  
Reed of Bowie.  
Reed of Dallas.  
Renfro.  
Riddle.  
Rogers of Hunt.  
Rogers  
of Ochiltree.  
Rollins.  
Savage.  
Scarborough.  
Shannon.  
Shults.  
Smith.  
Stanfield.  
Steward.  
Stinson.  
Sullivant.  
Tarwater.  
Thomas.  
Tillery.  
Townsend.  
Turlington.  
Van Zandt.  
Vaughan.  
Wagstaff.  
Walker.  
Wood.  
Young.

## Nays—13

Good.  
Hoskins.  
Hunt.  
Hyder.  
Jones of Runnels.  
Latham.  
Lindsey.

Pavlica.  
Purveyar.  
Russell.  
Scott.  
Stovall.  
Winningham.

## Present—Not Voting

Devall.

Merritt.

## Absent

Baker.  
Barrett.  
Bedford.  
Camp.  
Canon.  
Cathey.  
Celaya.  
Chastain.  
Colson.  
Cowley.  
Dunagan.  
Duvall.  
Dwyer.  
Golson.  
Graves.  
Greathouse.  
Harman.  
Harrison.  
Hartzog.  
Head.

Hill of Webb.  
Holland.  
Holloway.  
Hughes.  
Jefferson.  
Johnson  
of Anderson.  
Kyle of Hays.  
Leonard.  
McCullough.  
McGregor.  
Metcalf.  
Moffett.  
Munson.  
Pope.  
Ramsey.  
Reader.  
Roberts.  
Ross.  
Tennyson.

## Absent—Excused

Fisher.

Hill of Brazoria.

Lemens.  
Mathis.  
McDougald.

Weinert.  
Wells.

The Speaker then laid Senate Bill No. 283 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—80

Aikin.	Kyle of Palo Pinto.
Alexander.	Leonard.
Alsup.	Long.
Anderson	Mackay.
of Johnson.	Magee.
Baker.	McCullough.
Barron.	Merritt.
Bedford.	Metcalfe.
Bradley.	Moore.
Butler.	Morrison.
Calvert.	Morse.
Cathey.	Munson.
Celaya.	Nicholson.
Clayton.	Palmer.
Coombes.	Patterson.
Crossley.	Ratliff.
Daniel.	Ray.
Davidson.	Reader.
Dean.	Reed of Bowie.
Dunlap.	Renfro.
Fain.	Riddle.
Few.	Rogers of Hunt.
Ford.	Rogers
Fuchs.	of Ochiltree.
Glass.	Savage.
Golson.	Shannon.
Goodman.	Shults.
Haag.	Smith.
Hankamer.	Steward.
Hartzog.	Stinson.
Hester.	Stovall.
Hill of Webb.	Sullivant.
Hodges.	Tarwater.
Holekamp.	Thomas.
Hoskins.	Townsend.
Huddleston.	Turlington.
Hughes.	Van Zandt.
Jackson.	Vaughan.
James.	Wagstaff.
Jones of Shelby.	Wood.
Kayton.	Young.

Nays—20

Adamson.	Lotief.
Barrett.	McKee.
Bourne.	Mitcham.
Good.	Pavlica.
Hicks.	Puryear.
Hyder.	Rollins.
Jones of Runnels.	Russell.
Laird.	Scott.
Latham.	Stanfield.
Lindsey.	Winningham.

Absent

Anderson	Holloway.
of Bexar.	Hunt.
Beck.	Jefferson.
Burns.	Johnson
Camp.	of Anderson.
Canon.	Johnson
Caven.	of Dimmit.
Chastain.	Jones of Atascosa.
Colson.	Kyle of Hays.
Cowley.	McClain.
Devall.	McGregor.
Dunagan.	Moffett.
Duvall.	Parkhouse.
Dwyer.	Pope.
Engelhard.	Ramsey.
Graves.	Reed of Dallas.
Greathouse.	Roberts.
Griffith.	Ross.
Harman.	Scarborough.
Harris.	Tennyson.
Harrison.	Tillery.
Head.	Walker.
Holland.	

Absent—Excused

Fisher.	McDougald.
Hill of Brazoria.	Weinert.
Lemens.	Wells.
Mathis.	

SENATE BILL NO. 370 ON SECOND READING

Mr. Daniel moved that the Seventy-two-hour Rule, the Forty-eight-hour Rule, and the regular order of business be suspended, to take up, for consideration at this time,

S. B. No. 370, A bill to be entitled "An Act to promote public health, safety, morals, and general welfare by providing for the construction and supervision of safe and sanitary housing for families of low income, and for the sale or rental thereof on reasonable terms; authorizing the incorporation of limited dividend housing companies, and prescribing the powers, rights, and duties thereof; creating a State Board of Housing for the purpose of encouraging, approving, assisting, supervising, and regulating such activities; prescribing and defining the powers and duties of the Board, including supervisory and regulatory powers over limited dividend housing companies engaged in such activities; authorizing the Board to fix, within certain limits, the rentals or purchase price of housing accommodations furnished by limited dividend housing companies."

The motion prevailed.

The Speaker then laid Senate Bill No. 370 before the House, and it was read second time.

Mrs. Hughes offered the following amendment to the bill:

Amend Senate Bill No. 370, Section 12, by striking out the words "court of chancery," wherever it occurs, and inserting in lieu thereof the words "district court."

The amendment was adopted.

Mrs. Hughes offered the following amendment to the bill:

Amend Senate Bill No. 370, by adding a new Section, to be known as Section 28, as follows:

"Section 28. The fact that the Federal Government is lending money to limited dividend corporations for the purpose of building houses for families of small income, and that Texas has no law authorizing the creation of such corporations, create an emergency and an imperative public necessity requiring that the constitutional rule, that bills shall be read on three several days in each House, be, and the same is hereby, suspended, and that this Act shall be in force and effect from and after its passage, and it is so enacted."

The amendment was adopted.

Mr. Vaughan offered the following amendment to the bill:

Amend Senate Bill No. 370, by adding in Section 5, line 2, by inserting therein the following: "in counties having a population of less than 50,000 inhabitants."

(Mr. Alexander in the Chair.)

On motion of Mr. Rogers of Ochiltree, the amendment by Mr. Vaughan was tabled.

Senate Bill No. 370 was then passed to third reading.

### SENATE BILL NO. 370 ON THIRD READING

Mrs. Hughes moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 370 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—93

Adamson.  
Alsup.

Anderson  
of Bexar.

Anderson  
of Johnson.  
Baker.  
Barrett.  
Bedford.  
Bourne.  
Bradley.  
Burns.  
Butler.  
Calvert.  
Canon.  
Cathey.  
Caven.  
Clayton.  
Coombes.  
Cowley.  
Daniel.  
Davidson.  
Dean.  
Dwyer.  
Engelhard.  
Few.  
Fuchs.  
Glass.  
Golson.  
Good.  
Goodman.  
Greathouse.  
Haag.  
Harris.  
Hartzog.  
Head.  
Hester.  
Hicks.  
Hill of Webb.  
Hodges.  
Holekamp.  
Holland.  
Holloway.  
Hughes.  
Hyder.  
Jackson.  
James.  
Johnson  
of Dimmit.  
Jones of Atascosa.  
Jones of Runnels.

Jones of Shelby.  
Kyle of Palo Pinto.  
Laird.  
Latham.  
Leonard.  
Lotief.  
Mackay.  
McGregor.  
McKee.  
Merritt.  
Metcalf.  
Mitcham.  
Moore.  
Morrison.  
Morse.  
Munson.  
Parkhouse.  
Patterson.  
Pavlica.  
Pope.  
Purvey.  
Ratliff.  
Ray.  
Reader.  
Reed of Dallas.  
Renfro.  
Roberts.  
Rogers of Hunt.  
Rogers  
of Ochiltree.  
Rollins.  
Russell.  
Savage.  
Scarborough.  
Scott.  
Shults.  
Stanfield.  
Stinson.  
Stovall.  
Sullivant.  
Tarwater.  
Townsend.  
Turlington.  
Van Zandt.  
Walker.  
Wood.

### Nays—11

Aikin.	Reed of Bowie.
Chastain.	Shannon.
Devall.	Tillery.
Fain.	Vaughan.
Huddleston.	Winningham.
Lindsey.	

### Present—Not Voting

Hunt.	Riddle.
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### Absent

Alexander.	Colson.
Barron.	Crossley.
Beck.	Dunlap.
Camp.	Dunagan.
Celaya.	Duvall.



Ford.	McClain.
Graves.	McCullough.
Griffith.	Moffett.
Hankamer.	Nicholson.
Harman.	Palmer.
Harrison.	Ramsey.
Hoskins.	Ross.
Jefferson.	Smith.
Johnson	Steward.
of Anderson.	Tennyson.
Kayton.	Thomas.
Kyle of Hays.	Wagstaff.
Long.	Young.
Magee.	

## Absent—Excused

Fisher.	McDougald.
Hill of Brazoria.	Weinert.
Lemens.	Wells.
Mathis.	

The Speaker then laid Senate Bill No. 370 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—99

Adamson.	Hester.
Alsup.	Hicks.
Anderson	Hill of Webb.
of Johnson.	Hodges.
Baker.	Holekamp.
Barrett.	Holland.
Beck.	Holloway.
Bedford.	Hoskins.
Bourne.	Hughes.
Bradley.	Hyder.
Burns.	Jackson.
Butler.	James.
Calvert.	Johnson
Canon.	of Dimmit.
Cathey.	Jones of Atascosa.
Caven.	Jones of Runnels.
Chastain.	Jones of Shelby.
Clayton.	Kayton.
Coombes.	Kyle of Hays.
Cowley.	Kyle of Palo Pinto.
Crossley.	Laird.
Daniel.	Latham.
Davidson.	Leonard.
Dean.	Long.
Dwyer.	Lotief.
Engelhard.	Mackay.
Few.	McCullough.
Ford.	Merritt.
Fuchs.	Metcalf.
Glass.	Mitcham.
Golson.	Moore.
Good.	Morrison.
Goodman.	Morse.
Greathouse.	Munson.
Hankamer.	Parkhouse.
Harris.	Patterson.
Hartzog.	Pavlica.
Head.	Pope.

Ratliff.	Shults.
Ray.	Smith.
Reader.	Stanfield.
Reed of Dallas.	Stinson.
Renfro.	Stovall.
Riddle.	Sullivant.
Roberts.	Tarwater.
Rogers of Hunt.	Townsend.
Rogers	Turlington.
of Ochiltree.	Van Zandt.
Rollins.	Walker.
Russell.	Wood.
Savage.	Young.
Scarborough.	

## Nays—13

Aikin.	Puryear.
Devall.	Reed of Bowie.
Fain.	Shannon.
Haag.	Tillery.
Huddleston.	Vaughan.
Hunt.	Winningham.
Lindsey.	

## Absent

Alexander.	Johnson
Anderson	of Anderson.
of Bexar.	Magee.
Barron.	McClain.
Camp.	McGregor.
Celaya.	McKee.
Colson.	Moffett.
Dunlap.	Nicholson.
Dunagan.	Palmer.
Duvall.	Ramsey.
Graves.	Ross.
Griffith.	Scott.
Harman.	Steward.
Harrison.	Tennyson.
Jefferson.	Thomas.
	Wagstaff.

## Absent—Excused

Fisher.	McDougald.
Hill of Brazoria.	Weinert.
Lemens.	Wells.
Mathis.	

EXPRESSING SYMPATHY OF  
THE HOUSE

Mr. Butler offered the following resolution:

Whereas, Our friend and colleague, the Hon. Emmett C. Hill, is confined in Baylor Hospital, at Dallas; and

Whereas, The said Emmett C. Hill is a valued Member and is seriously ill; now, therefore, be it

Resolved by the House of Representatives, That a copy of this resolution be sent to the Hon. Emmett C. Hill, expressing our sincere regret at his illness which prevents his presence

with us in the closing days of the Session; and be it further

Resolved, That the Chief Clerk of the House be instructed to send an appropriate gift of flowers, expressing the sympathy of the House.

BUTLER,  
STANFIELD.

The resolution was read second time, and was adopted.

#### CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 11

Mr. Van Zandt submitted the following conference committee report on House Bill No. 11:

Committee Room,  
Austin, Texas, May 30, 1933.

Hon. Edgar E. Witt, President of the Senate, and Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your conference committee, appointed to adjust the differences between the House and Senate on House Bill No. 11, beg leave to submit the following report:

We have had House Bill No. 11 under consideration, and recommend the adoption of the attached bill as rewritten by your conference committee:

"H. B. No. 11,

#### A BILL To Be Entitled

An Act authorizing the payment to the head of any department of the State Government of occupation, license, gross receipts, franchise, or other privilege taxes or fees under protest when it is contended that the taxes are exacted under an invalid law, or the public official exacting and demanding the same is without power to collect such taxes; fixing the time and manner and form for the recovery of such fees or taxes; providing for their deposit at interest; and providing further that when any taxes are paid erroneously that the same may be applied on taxes for the next tax period; and prescribing the duties of the State Treasurer and other public officers of the State Government with reference thereto; and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. Any person, firm, or corporation who may be required to pay to the head of any department of the State Government any occupation, gross receipt, franchise, license, or other privilege tax or fee, and who believes or contends that the same is unlawful, and that such public official is not lawfully entitled to demand or collect the same, shall, nevertheless, be required to pay such amount as such public official charged with the collection thereof may deem to be due the State, and shall be entitled to accompany such payment with a written protest, setting out fully and in detail each and every ground or reason why it is contended that such demand is unlawful or unauthorized.

Sec. 2. Upon the payment of such taxes or fees, accompanied by such written protest, the taxpayer shall have ninety (90) days from said date within which to file suit for the recovery thereof in any court of competent jurisdiction in Travis County, Texas, and none other. Such suit shall be brought against the public official charged with the duty of collecting such tax or fees, the State Treasurer, and the Attorney General. The issues to be determined in such suit shall be only those arising out of the grounds or reasons set forth in such written protest as originally filed. The right of appeal shall exist as in other cases provided by law. Provided, however, where a class action is brought by any taxpayer all other taxpayers belonging to the class and represented in such class action who have properly protested as herein provided shall not be required to file separate suits, but shall be entitled to, and governed by, the decision rendered in such class action.

Sec. 3. It shall be the duty of such public official to transmit daily to the State Treasurer all money so received, with a detailed list of all those remitting same, and he shall inform the State Treasurer in writing that such money was paid under protest as hereinabove provided. A deposit receipt shall be issued by the Comptroller for the daily total of such remittances from each department; and the cashier of the Treasury Department shall keep a cash book to be called "Suspense Cash Book," in which to enter such deposit receipts.

Upon the receipt of such money by the State Treasurer it shall be his duty and he is hereby required to immediately and forthwith place the same in State depositories bearing interest in the same manner as any other funds of the State required to be placed in such depositories at interest, and the State Treasurer shall further be required to allocate whatever interest is earned on such funds and to credit the amount thereof to such suspense account until the status of such money is finally determined as herein provided.

Sec. 4. If suit is not brought within the time and within the manner herein provided, or in the event it finally be determined in such suit that the sums of money so paid or any portion thereof, together with the pro rata interest earned thereon, belong to the State, then and in that event it shall be the duty of the State Treasurer to transfer such money from the suspense account to the proper fund of the State by placing the portion thereof belonging to the State in such fund by the issuance of a deposit warrant. When such deposit warrant or warrants are issued, they shall be entered in the cash book, and the proper fund to which such money is so transferred shall be properly credited therewith. In the event, however, that suit is brought by such taxpayer within the time and within the manner hereinabove provided, and it be finally determined that such money so paid by such taxpayer, or any part thereof, was unlawfully demanded by such public official and that the same belongs to such taxpayer, then and in that event it shall be the duty of the State Treasurer to refund such amount, together with the pro rata interest earned thereon, to such taxpayer by the issuance of a refund warrant, the same to be issued in separate series and to be used for making such refunds, to be styled and designated "tax refund warrants" and such warrants shall be written and signed by the Comptroller and countersigned by the State Treasurer and charged against the suspense account, as hereinabove provided, and shall then be returned to the Comptroller and delivered by him to the persons entitled to receive the same.

Sec. 5. Any taxpayer who has heretofore paid any taxes or fees of the character embraced herein to such public official, accompanied by some form of protest, and which moneys are now being held in the suspense account, and who has not brought suit under the suspense account law for the recovery of same, and who is not embraced within or protected by any action which may now be pending for the recovery of same, shall have ninety (90) days from the effective date of this Act within which to bring suit in the manner hereinabove provided. It is further provided and so directed that the head of department having heretofore received any such sums of money under protest which have not been disposed of, shall immediately, upon this law becoming effective, notify said corporation having paid the same of the provisions of this law by mailing a copy of the same to such corporation or corporations.

Sec. 6. The provisions of this law directing the State Treasurer to place in the State depositories any taxes or fees paid under the provisions hereof and authorizing the State Treasurer to refund the principal, together with pro rata interest earned thereon, to any taxpayer who may be successful in recovering any sum of money in a suit as hereinabove provided, shall apply to such sums of money as have heretofore been paid by such taxpayer to the State Treasurer and which are now being held in the suspense account, where such taxpayer has brought suit, or may bring suit, as provided in Section 5 hereof, or is embraced within and protected by any suit or cause of action which may now be pending for the recovery thereof, and in the event any such taxpayer should be successful in any such litigation, then and in that event the State Treasurer shall be required to return to such taxpayer the principal amount so recovered, together with the pro rata interest earned thereon from the effective date of this law; and provided further, that such taxpayer who is successful in such suit, and who has heretofore paid any such taxes or fees which are now held in the suspense account, shall be entitled to the principal sum of the amount awarded to him by the court, together with the pro rata interest earned

thereon, from the date of the deposit of such principal sum of money to the effective date of this law, and there is hereby appropriated out of any interest earned from the General State Depository Funds a sum of money which shall be sufficient to pay the pro rata amount of interest earned on the taxes or fees so recovered, and it shall be the duty of the State Treasurer to allocate to and pay from the interest earned upon the General State Depository Funds such amount of interest as shall have been earned thereon.

Sec. 6-a. Where it shall appear that any taxpayer, to whom the provisions of this Act shall apply, has erroneously paid more taxes than were due during any previous tax-paying period for the payment of such taxes, either on account of an invalid statute, or by reason of mistake of fact or law, such tax-collecting officer shall have the authority, and it is hereby made his duty, to credit the total amount of taxes due by such taxpayer for the current period with the total amount of taxes so erroneously paid.

Sec. 7. The provisions of this law shall be cumulative of all laws relating to the payments of taxes or fees of undetermined status and for the holding thereof in the suspense account fund of the State Treasurer.

Sec. 8. The provisions of this law are severable, and if any part thereof shall be declared unconstitutional, it shall not affect the remaining part or parts thereof, which shall remain in full force and effect, notwithstanding such invalid part or parts.

Sec. 9. The fact that more than one million dollars (\$1,000,000) of taxes and fees have been paid into the suspense account under the provisions of the Suspense Account Law, and a doubt has been expressed as to the right of the persons paying the same to recover such moneys in a suit to determine the correctness or validity of the tax or assessment thereof, and the fact that it was the purpose and intention of the Legislature to authorize the bringing of suits under the present Suspense Account Law for the purpose of testing the validity of such taxes and assessments create an emergency and an imperative public necessity requiring the suspension of the constitutional rule, that bills be

read on three several days in each House, and said rule is hereby suspended, this Act shall take effect and be in force from and after its passage, and it is so enacted.

Respectfully submitted,

RAWLINGS,  
SMALL,  
PACE,  
FELLBAUM,  
WOODWARD,

On the part of the Senate;

VAN ZANDT,  
HARRIS,  
ROBERTS,  
HESTER,  
ANDERSON  
of Johnson,

On the part of the House.

(Speaker in the Chair.)

On motion of Mr. Van Zandt, the report was adopted by the following vote:

Yeas—110

Adamson.	Greathouse.
Aikin.	Haag.
Alexander.	Hankamer.
Alsup.	Harris.
Anderson	Harrison.
of Bexar.	Hartzog.
Anderson	Head.
of Johnson.	Hester.
Barrett.	Hicks.
Barron.	Hill of Webb.
Beck.	Hodges.
Bedford.	Holekamp.
Bourne.	Holland.
Burns.	Holloway.
Butler.	Hoskins.
Calvert.	Huddleston.
Camp.	Hunt.
Canon.	Hyder.
Caven.	Jackson.
Chastain.	James.
Clayton.	Johnson
Coombes.	of Dimmit.
Crossley.	Jones of Atascosa.
Daniel.	Jones of Runnels.
Davidson.	Jones of Shelby.
Dean.	Kayton.
Devall.	Kyle of Palo Pinto.
Engelhard.	Laird.
Fain.	Latham.
Few.	Leonard.
Ford.	Long.
Fuchs.	Lotief.
Glass.	Mackay.
Golson.	Magee.
Good.	Merritt.
Goodman.	Metcalfe.

Mitcham.	Russell.
Moore.	Savage.
Morrison.	Scott.
Morse.	Shannon.
Munson.	Shults.
Parkhouse.	Smith.
Patterson.	Stanfield.
Pavlica.	Stinson.
Pope.	Stovall.
Purveyer.	Sullivant.
Ramsey.	Tarwater.
Ratliff.	Tennyson.
Ray.	Thomas.
Reader.	Tillery.
Reed of Bowie.	Townsend.
Reed of Dallas.	Turlington.
Renfro.	Van Zandt.
Riddle.	Vaughan.
Rogers	Walker.
of Ochiltree.	Winningham.
Rollins.	Wood.

Nays—1

Lindsey.

Absent

Baker.	Kyle of Hays.
Bradley.	McClain.
Cathey.	McCullough.
Celaya.	McGregor.
Colson.	McKee.
Cowley.	Moffett.
Dunlap.	Nicholson.
Dunagan.	Palmer.
Duvall.	Roberts.
Dwyer.	Rogers of Hunt.
Graves.	Ross.
Griffith.	Scarborough.
Harman.	Steward.
Hughes.	Wagstaff.
Jefferson.	Young.
Johnson	
of Anderson.	

Absent—Excused

Fisher.	McDougald.
Hill of Brazoria.	Weinert.
Lemens.	Wells.
Mathis.	

# CONFERENCE COMMITTEE RE- PORT ON SENATE BILL NO. 191

Mr. Coombes submitted the following conference committee report on Senate Bill No. 191:

Committee Room,  
Austin, Texas, May 29, 1933.

Hon. Edgar E. Witt, President of the Senate, and Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your conferees, appointed to adjust the differences between the Senate and House of Representatives on

S. B. No. 191, A bill to be entitled "An Act authorizing school trustees to issue interest-bearing warrants in payment of salaries of employes; specifying that the rate of interest shall not exceed four (4) per cent per annum; limiting the amount of warrants to be issued; providing for official notice of the issuance of such warrants and for official notice when these warrants can be cashed; giving such warrants preference over ones issued for purposes other than payment of salaries; and declaring an emergency,"

Beg to report that the differences have been adjusted, and we recommend the adoption of the bill herewith submitted:

"S. B. No. 191,

## A BILL

## To Be Entitled

An Act authorizing school trustees to issue interest-bearing warrants in payment of salaries of employes; specifying that the rate of interest shall not exceed 4 per cent per annum; limiting the amount of warrants to be issued; providing for official notice of the issuance of such warrants and for official notice when these warrants can be cashed; providing for method of computing amount of warrants; and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. The trustees of independent school districts and of common school districts are hereby authorized to issue interest-bearing warrants in payment of salaries of all persons employed in the conduct of the public schools in the State of Texas.

Sec. 2. All warrants issued under the provisions of Section 1 of this Act shall bear interest at not more than four per cent (4%) per annum from the date of issuance; provided, that no warrant that has been issued and sold by the holder thereof at a discount prior to the passage of this Act shall bear interest.

Sec. 3. The total amount of warrants which may be issued under the provisions of this Act, together with all other warrants heretofore issued for the current expenses of the schools

in any district during any particular year shall not exceed eighty per cent (80%) of the estimated proceeds of the local maintenance tax, as shown by the budget, and as determined by the county board and the county superintendent in the case of common school districts, and the city superintendent and trustees of the individual independent districts, in the case of independent districts, together with not more than sixty per cent (60%) of the total per capita apportionment to be received from the State of Texas during the current scholastic year.

Sec. 4. It shall be the duty of the county superintendent of schools, or the secretary of the school board of each independent school district, to number numerically and record each such interest bearing warrant, and to give official notice of its issuance to the proper depository, and it shall be the duty of such depository to notify the county superintendent or the secretary of the independent school district when sufficient funds are in its hands to the credit of such district to liquidate these warrants, and such warrants issued for the payment of salaries shall be paid numerically.

Sec. 4-a. None of the provisions of this Act shall be of any force and/or effect from and after August 31, 1935.

Sec. 5. The fact that in many portions of the State the school boards are unable to finance the schools for the desired term of months each year because of the large amount of delinquent taxes due and owing to them and because of the inability to enforce the collection of delinquent taxes by such school boards due to depressed economic conditions and because of the fact that there is no law providing for the issuance of interest bearing warrants by school boards in payment of salaries in the event the tax collections are less than normally anticipated, and the fact that the funds to be received from the State of Texas for any scholastic year are frequently delayed and not paid over to such school boards until after the expiration of the scholastic year, create an emergency and an imperative public necessity which requires that the constitutional rule, providing that bills be read on three

several days, be suspended, and said rule is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Respectfully submitted,

NEAL,  
DUGGAN,  
FELLBAUM,  
REDDITT,  
GREER,

On the part of the Senate;

KAYTON,  
COOMBES,  
ADAMSON,  
TENNYSON,  
VAN ZANDT,

On the part of the House.

On motion of Mr. Coombes, the report was adopted by the following vote:

Yeas—104

Adamson.	Hester.
Aikin.	Hicks.
Alexander.	Hill of Webb.
Alsup.	Hodges.
Anderson	Holekamp.
of Bexar.	Holland.
Anderson	Holloway.
of Johnson.	Huddleston.
Barrett.	Hunt.
Beck.	Hyder.
Bedford.	Jackson.
Bourne.	James.
Burns.	Johnson
Butler.	of Dimmit.
Camp.	Jones of Atascosa.
Canon.	Jones of Runnels.
Cathey.	Jones of Shelby.
Caven.	Kayton.
Clayton.	Kyle of Palo Pinto.
Coombes.	Laird.
Cowley.	Latham.
Crossley.	Leonard.
Daniel.	Long.
Davidson.	Mackay.
Dean.	Magee.
Devall.	McClain.
Dwyer.	McCullough.
Engelhard.	McKee.
Ford.	Merritt.
Fuchs.	Mitcham.
Glass.	Moffett.
Golson.	Moore.
Good.	Morrison.
Goodman.	Morse.
Greathouse.	Munson.
Haag.	Parkhouse.
Hankamer.	Patterson.
Harris.	Pavlica.
Hartzog.	Pope.
Head.	Puryear.

Ratliff.	Smith.
Reader.	Stanfield.
Reed of Bowie.	Stinson.
Reed of Dallas.	Sullivant.
Renfro.	Tarwater.
Riddle.	Tennyson.
Rogers	Tillery.
of Ochiltree.	Townsend.
Rollins.	Turlington.
Russell.	Van Zandt.
Savage.	Walker.
Scott.	Winningham.
Shannon.	Wood.
Shults.	Young.

## Nays—7

Chastain.	Metcalf.
Fain.	Stovall.
Lindsey.	Vaughan.
Lotief.	

## Absent

Baker.	Jefferson.
Barron.	Johnson
Bradley.	of Anderson.
Calvert.	Kyle of Hays.
Celaya.	McGregor.
Colson.	Nicholson.
Dunlap.	Palmer.
Dunagan.	Ramsey.
Duvall.	Ray.
Few.	Roberts.
Graves.	Rogers of Hunt.
Griffith.	Ross.
Harman.	Scarborough.
Harrison.	Steward.
Hoskins.	Thomas.
Hughes.	Wagstaff.

## Absent—Excused

Fisher.	McDougald.
Hill of Brazoria.	Weinert.
Lemens.	Wells.
Mathis.	

## HOUSE BILL NO. 924 ON SECOND READING

Mr. Stovall moved that the Seventy-two-hour Rule, the Forty-eight-hour Rule, and the regular order of business be suspended, to take up, for consideration at this time,

H. B. No. 924, A bill to be entitled "An Act amending Article 7256, of the 1925 Revised Civil Statutes of Texas, so as to provide that in all counties containing a city other than the county seat, in excess of 7,000 inhabitants, according to the 1930 decennial census, the tax collector, with the consent and approval of the commissioners court of said county, may appoint a deputy tax collector in such town or city, who shall have the right

to issue valid receipts for all taxes collected by him, and to collect a fee of twenty-five cents from each person who pays his taxes to said deputy, and to whom said deputy issues a receipt; providing that no person shall be charged over twenty-five cents for paying his taxes to said deputy; providing that said deputy shall enter into such bond payable to the county judge of the county, in such amount as the tax collector and commissioners court may require; and further providing, that said tax collector shall likewise remain liable on his bonds for all such taxes collected; and declaring an emergency."

The motion prevailed.

The Speaker then laid the bill before the House, and it was read second time.

Mr. Stovall offered the following amendment to the bill:

Amend House Bill No. 924 by changing "1930 decennial census," to "last preceding census," in the caption and the body of the bill.

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

House Bill No. 924 was then passed to engrossment.

## HOUSE BILL NO. 924 ON THIRD READING

Mr. Stovall moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 924 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—98

Aikin.	Canon.
Alsup.	Cathey.
Anderson	Caven.
of Bexar.	Celaya.
Anderson	Clayton.
of Johnson.	Coombes.
Baker.	Cowley.
Barrett.	Crossley.
Beck.	Davidson.
Bedford.	Dean.
Bourne.	Devall.
Bradley.	Dwyer.
Butler.	Engelhard.
Calvert.	Fain.
Camp.	Few.

Ford.	Magee.
Fuchs.	McClain.
Glass.	McGregor.
Golson.	McKee.
Good.	Merritt.
Haag.	Mitcham.
Hankamer.	Morrison.
Harman.	Munson.
Harrison.	Pavlica.
Head.	Puryear.
Hester.	Ratliff.
Hicks.	Ray.
Hill of Webb.	Reader.
Hodges.	Reed of Dallas.
Holekamp.	Renfro.
Holland.	Riddle.
Holloway.	Rogers
Hoskins.	of Ochiltree.
Huddleston.	Rollins.
Hughes.	Savage.
Hunt.	Scarborough.
Hyder.	Scott.
Jackson.	Shannon.
Johnson	Shults.
of Dimmit.	Smith.
Jones of Atascosa.	Stanfield.
Jones of Runnels.	Stinson.
Jones of Shelby.	Stovall.
Kayton.	Tarwater.
Kyle of Palo Pinto.	Thomas.
Laird.	Tillery.
Latham.	Townsend.
Leonard.	Turlington.
Lindsey.	Van Zandt.
Long.	Walker.
Mackay.	Winningham.

## Nays—8

Adamson.	Reed of Bowie.
Alexander.	Tennyson.
Chastain.	Vaughan.
Harris.	Wood.

## Absent

Barron.	Metcalf.
Burns.	Moffett.
Colson.	Moore.
Daniel.	Morse.
Dunlap.	Nicholson.
Dunagan.	Palmer.
Duvall.	Parkhouse.
Goodman.	Patterson.
Graves.	Pope.
Greathouse.	Ramsey.
Griffith.	Roberts.
Hartzog.	Rogers of Hunt.
James.	Ross.
Jefferson.	Russell.
Johnson	Steward.
of Anderson.	Sullivant.
Kyle of Hays.	Wagstaff.
Lotief.	Young.
McCullough.	

## Absent—Excused

Fisher.	Hill of Brazoria.
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Lemens.	Weinert.
Mathis.	Wells.
McDougald.	

The Speaker then laid House Bill No. 924 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—103

Adamson.	James.
Aikin.	Jones of Atascosa.
Alexander.	Jones of Runnels.
Alsup.	Jones of Shelby.
Anderson	Kayton.
of Bexar.	Kyle of Hays.
Anderson	Kyle of Palo Pinto.
of Johnson.	Laird.
Baker.	Latham.
Barrett.	Leonard.
Beck.	Lindsey.
Bedford.	Long.
Bourne.	Lotief.
Bradley.	Mackay.
Butler.	Magee.
Calvert.	McClain.
Camp.	McCullough.
Canon.	McGregor.
Cathey.	Metcalf.
Caven.	Mitcham.
Clayton.	Moore.
Cowley.	Morrison.
Crossley.	Morse.
Davidson.	Munson.
Dean.	Parkhouse.
Devall.	Patterson.
Dunlap.	Pavlica.
Dwyer.	Puryear.
Engelhard.	Ratliff.
Fain.	Ray.
Few.	Reader.
Ford.	Reed of Dallas.
Fuchs.	Renfro.
Glass.	Riddle.
Golson.	Rogers of Ochiltree.
Good.	Rollins.
Haag.	Savage.
Hankamer.	Scarborough.
Harman.	Scott.
Hartzog.	Shannon.
Head.	Shults.
Hester.	Smith.
Hicks.	Stanfield.
Hodges.	Stinson.
Holekamp.	Stovall.
Holland.	Tarwater.
Holloway.	Thomas.
Hoskins.	Tillery.
Huddleston.	Townsend.
Hughes.	Turlington.
Hunt.	Van Zandt.
Hyder.	Walker.
Jackson.	

## Nays—6

Chastain.	Greathouse.
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Harris.	Vaughan.
Reed of Bowie.	Wood.
Absent	
Barron.	McKee.
Burns.	Merritt.
Celaya.	Moffett.
Colson.	Nicholson.
Coombes.	Palmer.
Daniel.	Pope.
Dunagan.	Ramsey.
Duvall.	Roberts.
Goodman.	Rogers of Hunt.
Graves.	Ross.
Griffith.	Russell.
Harrison.	Steward.
Hill of Webb.	Sullivant.
Jefferson.	Tennyson.
Johnson	Wagstaff.
of Anderson.	Winningham.
Johnson	Young.
of Dimmit.	

## Absent—Excused

Fisher.	McDougald.
Hill of Brazoria.	Weinert.
Lemens.	Wells.
Mathis.	

HOUSE BILL NO. 856 ON SECOND  
READING

Mr. Hester moved that the Seventy-two-hour Rule, the Forty-eight-hour Rule, and the regular order of business be suspended, to take up, for consideration at this time,

H. B. No. 856, A bill to be entitled "An Act to amend Acts, 1932, Forty-second Legislature, Third Called Session, page 15, Chapter 13, Section 6, relating to the allocation of funds from the gasoline tax, so as to increase the amount allotted to the Available Public School Fund; and declaring an emergency."

The motion prevailed by the following vote:

## Yeas—75

Aikin.	Davidson.
Anderson	Dean.
of Bexar.	Dunlap.
Barrett.	Dwyer.
Bourne.	Fain.
Bradley.	Few.
Burns.	Fuchs.
Butler.	Glass.
Calvert.	Golson.
Canon.	Greathouse.
Celaya.	Haag.
Chastain.	Hankamer.
Clayton.	Harman.
Coombes.	Hartzog.
Cowley.	Head.

Hester.	Mitcham.
Hodges.	Moore.
Holekamp.	Patterson.
Holland.	Pavlica.
Holloway.	Purveyar.
Hughes.	Ray.
Hyder.	Reed of Bowie.
Jackson.	Reed of Dallas.
James.	Riddle.
Jones of Runnels.	Rollins.
Jones of Shelby.	Scarborough.
Kyle of Hays.	Scott.
Kyle of Palo Pinto.	Shannon.
Laird.	Shults.
Latham.	Stanfield.
Leonard.	Stovall.
Lindsey.	Tarwater.
Lotief.	Tennyson.
Mackay.	Tillery.
Magee.	Turlington.
McClain.	Vaughan.
McCullough.	Walker.
McGregor.	Winningham.

## Nays—33

Adamson.	Merritt.
Alexander.	Moffett.
Alsup.	Munson.
Anderson	Pope.
of Johnson.	Ratliff.
Baker.	Reader.
Bedford.	Renfro.
Crossley.	Roberts.
Devall.	Rogers
Engelhard.	of Ochiltree.
Ford.	Smith.
Good.	Stinson.
Goodman.	Sullivant.
Harris.	Thomas.
Hoskins.	Townsend.
Hunt.	Van Zandt.
Kayton.	Wood.
Long.	

## Absent

Barron.	Johnson
Beck.	of Dimmit.
Camp.	Jones of Atascosa.
Cathey.	McKee.
Caven.	Metcalfe.
Colson.	Morrison.
Daniel.	Morse.
Dunagan.	Nicholson.
Duvall.	Palmer.
Graves.	Parkhouse.
Griffith.	Ramsey.
Harrison.	Rogers of Hunt.
Hicks.	Ross.
Hill of Webb.	Russell.
Huddleston.	Savage.
Jefferson.	Steward.
Johnson	Wagstaff.
of Anderson.	Young.

## Absent—Excused

Fisher.	Hill of Brazoria.
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Lemens.  
Mathis.  
McDougald.

Weinert.  
Wells.

The Speaker then laid the bill before the House, and it was read second time.

Mr. Good moved the previous question on the engrossment of the bill, and the main question was ordered.

Question recurring on the engrossment of the bill, yeas and nays were demanded.

House Bill No. 856 was then passed to engrossment by the following vote:

#### Yeas—59

Aikin.	Kyle of Palo Pinto.
Barrett.	Laird.
Bourne.	Latham.
Burns.	Leonard.
Butler.	Lindsey.
Camp.	Lotief.
Canon.	Magee.
Cathey.	McClain.
Clayton.	McCullough.
Coombes.	McGregor.
Cowley.	Mitcham.
Davidson.	Morrison.
Dean.	Palmer.
Devall.	Parkhouse.
Fain.	Pavlica.
Few.	Reed of Bowie.
Glass.	Reed of Dallas.
Golson.	Riddle.
Goodman.	Rollins.
Greathouse.	Scarborough.
Hankamer.	Scott.
Head.	Shannon.
Hester.	Smith.
Hodges.	Stovall.
Hunt.	Tennyson.
Hyder.	Tillery.
James.	Turlington.
Jones of Runnels.	Vaughan.
Jones of Shelby.	Winningham.
Kyle of Hays.	

#### Nays—57

Adamson.	Crossley.
Alexander.	Daniel.
Alsup.	Dwyer.
Anderson	Engelhard.
of Bexar.	Ford.
Anderson	Good.
of Johnson.	Harris.
Baker.	Harrison.
Barron.	Hartzog.
Beck.	Hill of Webb.
Bedford.	Holekamp.
Bradley.	Hoskins.
Calvert.	Hughes.
Caven.	Johnson
Chastain.	of Dimmit.

Jones of Atascosa.	Robert.
Kayton.	Rogers
Mackay.	of Ochiltree.
Merritt.	Shults.
Metcalf.	Stanfield.
Moffett.	Stinson.
Moore.	Sullivan.
Morse.	Tarwater.
Munson.	Thomas.
Nicholson.	Townsend.
Patterson.	Van Zandt.
Pope.	Wagstaff.
Purvey.	Walker.
Ratliff.	Wood.
Reader.	Young.
Renfro.	

#### Absent

Celaya.	Jackson.
Colson.	Jefferson.
Dunlap.	Johnson
Dunagan.	of Anderson.
Duvall.	Long.
Fuchs.	McKee.
Graves.	Ramsey.
Griffith.	Ray.
Haag.	Rogers of Hunt.
Harman.	Ross.
Hicks.	Russell.
Holland.	Savage.
Holloway.	Steward.
Huddleston.	

#### Absent—Excused

Fisher.	McDougald.
Hill of Brazoria.	Weinert.
Lemens.	Wells.
Mathis.	

#### MESSAGE FROM THE SENATE

Senate Chamber,  
Austin, Texas, May 30, 1933.

Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 322, A bill to be entitled "An Act to fix the tuition to be collected from students registering in the schools of collegiate rank, supported in whole, or in part, by appropriation of public funds from the State Treasury, and empowering the State Board of Education to grant scholarships to such institutions, and prescribing the regulations therefor." (With amendment.)

H. B. No. 560, A bill to be entitled "An Act providing for the issuance of patents, under certain conditions, to lands and accretions thereto, heretofore claimed by New Mexico to be

in that State, but determined by the Supreme Court of the United States, in its decree of April 9, 1928, to be within the State of Texas, and prescribing the considerations and the conditions necessary for the issuance of such patents, and the manner of such issuance and the provisions to be contained in such patents, and declaring an emergency."

The Senate has adopted the conference committee report on Senate Bill No. 191 by the following vote: Yeas, 21; nays, 0.

Respectfully,

BOB BARKER,  
Secretary of the Senate.

#### LEAVE OF ABSENCE GRANTED

On motion of Mr. Anderson of Johnson, Mr. Wells was, by unanimous consent, granted leave of absence for yesterday afternoon and today on account of important business.

#### HOUSE BILL NO. 322 WITH SENATE AMENDMENTS

Mr. Chastain called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 322, A bill to be entitled "An Act to fix the tuition to be collected from students registering in the schools of collegiate rank, supported in whole, or in part, by appropriation of public funds from the State Treasury; and empowering the State Board of Education to grant scholarships to such institutions, and prescribing the regulations therefor."

The Speaker laid the bill before the House, with the Senate amendments.

Mr. Chastain moved that the House do not concur in the Senate amendments and that a conference committee be requested to adjust the differences between the two Houses on the bill.

Mr. Kyle of Hays moved that the House concur in the Senate amendments.

Mr. Wagstaff moved to table the motion by Mr. Kyle of Hays.

The motion to table prevailed by the following vote:

Yeas—66

Adamson. Alexander.  
Aikin. Anderson of Bexar.

Anderson  
of Johnson.  
Baker.  
Barron.  
Bourne.  
Camp.  
Canon.  
Cathey.  
Chastain.  
Coombes.  
Devall.  
Dwyer.  
Engelhard.  
Fain.  
Golson.  
Good.  
Haag.  
Harman.  
Harris.  
Harrison.  
Hartzog.  
Hester.  
Holekamp.  
Hoskins.  
Hunt.  
Hyder.  
Jones of Atascosa.  
Jones of Runnels.  
Kayton.  
Kyle of Palo Pinto.  
Latham.  
Lindsey.

Lotief.  
Mackay.  
McCullough.  
Merritt.  
Metcalf.  
Mitcham.  
Moffett.  
Munson.  
Nicholson.  
Parkhouse.  
Paylica.  
Puryear.  
Ratliff.  
Reed of Dallas.  
Roberts.  
Rogers  
of Ochiltree.  
Scarborough.  
Scott.  
Shannon.  
Shults.  
Smith.  
Stovall.  
Sullivan.  
Tennyson.  
Thomas.  
Van Zandt.  
Vaughan.  
Wagstaff.  
Winningham.  
Wood.  
Young.

Nays—48

Alsup.  
Barrett.  
Beck.  
Bedford.  
Bradley.  
Burns.  
Butler.  
Calvert.  
Caven.  
Clayton.  
Cowley.  
Crossley.  
Daniel.  
Davidson.  
Few.  
Ford.  
Glass.  
Goodman.  
Greathouse.  
Hankamer.  
Head.  
Hill of Webb.  
Hodges.  
Holland.  
Hughes.  
Jackson.  
James.  
Kyle of Hays.  
Laird.  
Magee.  
McClain.  
McGregor.  
Moore.  
Morrison.  
Palmer.  
Patterson.  
Pope.  
Reed of Bowie.  
Riddle.  
Rollins.  
Stanfield.  
Stinson.  
Tarwater.  
Tillery.  
Townsend.  
Turlington.  
Walker.  
Wells.

Present—Not Voting

Renfro.

Absent

Celaya. Dunlap.  
Colson. Dunagan.  
Dean. Duvall.

Fuchs.	Leonard.
Graves.	Long.
Griffith.	McKee.
Hicks.	Morse.
Holloway.	Ramsey.
Huddleston.	Ray.
Jefferson.	Reader.
Johnson	Rogers of Hunt.
of Anderson.	Ross.
Johnson	Russell.
of Dimmit.	Savage.
Jones of Shelby.	Steward.

## Absent—Excused

Fisher.	Mathis.
Hill of Brazoria.	McDougald.
Lemens.	Weinert.

Question then recurring on the motion by Mr. Chastain, it prevailed by the following vote:

## Yeas—64

Adamson.	Kayton.
Aikin.	Kyle of Palo Pinto.
Alexander.	Latham.
Anderson	Lindsey.
of Bexar.	Lotief.
Anderson	Mackay.
of Johnson.	McCullough.
Baker.	Merritt.
Barron.	Metcalf.
Bourne.	Mitcham.
Canon.	Moffett.
Cathey.	Munson.
Chastain.	Parkhouse.
Coombes.	Pavlica.
Devall.	Puryear.
Dwyer.	Ratliff.
Engelhard.	Reed of Dallas.
Golson.	Renfro.
Good.	Roberts.
Goodman.	Rollins.
Haag.	Scott.
Harman.	Shannon.
Harris.	Shults.
Harrison.	Smith.
Hartzog.	Stovall.
Hester.	Sullivant.
Holekamp.	Tennyson.
Holland.	Thomas.
Hunt.	Van Zandt.
Hyder.	Vaughan.
James.	Wagstaff.
Jones of Atascosa.	Wood.
Jones of Runnels.	Young.

## Nays—48

Alsop.	Calvert.
Barrett.	Caven.
Beck.	Clayton.
Bedford.	Cowley.
Bradley.	Crossley.
Burns.	Daniel.
Butler.	Davidson.

Dean.	Nicholson.
Fain.	Palmer.
Few.	Patterson.
Ford.	Pope.
Glass.	Reed of Bowie.
Greathouse.	Riddle.
Hankamer.	Rogers
Head.	of Ochiltree.
Hill of Webb.	Scarborough.
Hughes.	Stanfield.
Jackson.	Stinson.
Kyle of Hays.	Tarwater.
Laird.	Townsend.
Magee.	Turlington.
McClain.	Walker.
McGregor.	Wells.
Moore.	Winningham.
Morrison.	

## Absent

Camp.	Johnson
Celaya.	of Dimmit.
Colson.	Jones of Shelby.
Dunlap.	Leonard.
Dunagan.	Long.
Duvall.	McKee.
Fuchs.	Morse.
Graves.	Ramsey.
Griffith.	Ray.
Hicks.	Reader.
Hodges.	Rogers of Hunt.
Holloway.	Ross.
Hoskins.	Russell.
Huddleston.	Savage.
Jefferson.	Steward.
Johnson	Tillery.
of Anderson.	

## Absent—Excused

Fisher.	Mathis.
Hill of Brazoria.	McDougald.
Lemens.	Weinert.

In accordance with the above action, the Speaker announced the appointment of the following committee: Messrs. Chastain, Wagstaff, Aikin, Harris, and Smith.

HOUSE JOINT RESOLUTION ON  
FIRST READING

The following House joint resolution, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Pavlica:

H. J. R. No. 49, Proposing to amend the Constitution of the State of Texas so as to permit the furnishing of State official textbooks free to the sectarian schools.

Referred to Committee on Constitutional Amendments.

# MOTION TO TAKE UP HOUSE BILL NO. 100

Mr. Bradley moved that the Seventy-two-hour Rule, the Forty-eight-hour Rule, and the regular order of business be suspended, to take up, for consideration at this time, House Bill No. 100.

The roll of the House was called, and the vote announced as follows:

## Yeas—63

Adamson.	Lotief.
Aikin.	Mackay.
Anderson	Magee.
of Johnson.	McCullough.
Barrett.	Mitcham.
Bedford.	Moffett.
Bourne.	Morrison.
Bradley.	Munson.
Burns.	Parkhouse.
Butler.	Ratliff.
Calvert.	Reed of Bowie.
Canon.	Reed of Dallas.
Coombes.	Roberts.
Cowley.	Rollins.
Daniel.	Scott.
Dean.	Shannon.
Fain.	Shults.
Glass.	Smith.
Golson.	Stovall.
Hankamer.	Sullivant.
Head.	Tarwater.
Hester.	Tennyson.
Holekamp.	Thomas.
Hoskins.	Townsend.
James.	Turlington.
Jones of Atascosa.	Van Zandt.
Jones of Runnels.	Wagstaff.
Kyle of Hays.	Walker.
Kyle of Palo Pinto.	Wells.
Laird.	Winningham.
Latham.	Wood.
Lindsey.	Young.

## Nays—32

Alsup.	Holland.
Baker.	Jackson.
Barron.	Kayton.
Caven.	McClain.
Colson.	McGregor.
Crossley.	Moore.
Davidson.	Nicholson.
Devall.	Patterson.
Dwyer.	Pavlica.
Engelhard.	Pope.
Few.	Renfro.
Haag.	Scarborough.
Harman.	Stanfield.
Harrison.	Stinson.
Hartzog.	Tillery.
Hill of Webb.	Vaughan.

# Present—Not Voting

Greathouse.

## Absent

Alexander.	Jefferson.
Anderson	Johnson
of Bexar.	of Anderson.
Beck.	Johnson
Camp.	of Dimmit.
Cathey.	Jones of Shelby.
Celaya.	Leonard.
Chastain.	Long.
Clayton.	McKee.
Dunlap.	Merritt.
Dunagan.	Metcalf.
Duvall.	Morse.
Ford.	Palmer.
Fuchs.	Purvey.
Good.	Ramsey.
Goodman.	Ray.
Graves.	Reader.
Griffith.	Riddle.
Harris.	Rogers of Hunt.
Hicks.	Rogers
Hodges.	of Ochiltree.
Holloway.	Ross.
Huddleston.	Russell.
Hughes.	Savage.
Hunt.	Steward.
Hyder.	

## Absent—Excused

Fisher.	Mathis.
Hill of Brazoria.	McDougald.
Lemens.	Weinert.

The Speaker announced that there was not a quorum present.

## ADJOURNMENT

Mr. Reed of Bowie moved that the House adjourn until 9:30 o'clock a. m., tomorrow.

Mr. Alsup moved that the House adjourn until 8 o'clock a. m., tomorrow.

Mr. Moore moved that the House adjourn until 9 o'clock a. m., tomorrow.

The motion of Mr. Moore prevailed, and the House, accordingly, at 6:35 o'clock p. m., adjourned until 9 o'clock a. m., tomorrow.

## APPENDIX

# REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, May 29, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 913, A bill to be entitled "An Act amending Articles 697 and

698, of the 1925 Revised Penal Code of Texas, by providing that it shall be the duty of the Attorney General to prosecute all violations under said Articles, either for the penal offense committed, or to prevent the violations of same by the writ of injunction; and by further providing in said Article 697 that the terms of same shall apply to all municipal and private corporations, and that in said Article 698, the city manager of the municipal corporation shall be deemed guilty of such offense when committed; and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,  
Austin, Texas, May 30, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 957, A bill to be entitled "An Act authorizing and directing the Commissioner of the General Land Office of the State of Texas to deed, convey, assign, and/or transfer all right, title, and interest of whatsoever class, kind, and character, directly or indirectly, belonging to the State of Texas in and to that tract of land known as the thirty-five (35) acre park site situated in Hillsboro, in Hill County, Texas, to the trustees of the Confederate Veterans and Old Settlers Association of Hill County, Texas, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,  
Austin, Texas, May 30, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 940, A bill to be entitled "An Act granting the Board of Control, with the Governor's approval, the right and power to sell not more than ten acres of the land owned by the Gilmer State Orphanage; provided that the mineral rights of said land be reserved by the State of Texas, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,  
Austin, Texas, May 29, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 423, A bill to be entitled "An Act to amend Article 4875-a-3, Chapter 9-a, Title 78, Revised Civil Statutes of Texas of 1925, providing and permitting local mutual aid associations to operate in the State of Texas and write business in territory embraced within one county, or to a territory embraced within a radius of 100 miles of the city or town of the association, including counties traversed by said radius to all the counties adjoining that in which the home office is situated, or where the home office of an association is located within less than 100 miles of border line of the State to a limited number of connecting counties whose total area does not exceed that allowed under the law to any other local mutual aid association of Texas; and declaring an emergency,"

Has carefully examined same, and finds it correctly engrossed.

PARKHOUSE, Acting Chairman.

Committee Room,  
Austin, Texas, May 29, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. J. R. No. 46, Proposing an amendment to the Constitution authorizing the Legislature to provide for workmen's compensation insurance for employees of the State Highway Department and other State employes, and authorizing the Legislature to provide for the payment of premiums on such policies of insurance,

Has carefully compared same, and finds it correctly engrossed.

PARKHOUSE, Acting Chairman.

Committee Room,  
Austin, Texas, May 30, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 953, A bill to be entitled "An Act to amend Senate Bill No. 195, known as the Congressional Redistricting Bill, passed by the Forty-

third Legislature, at the Regular Session thereof, by fixing the counties to hereafter compose the Second and Seventh Congressional Districts; and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,  
Austin, Texas, May 30, 1933.  
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. J. R. No. 48, Proposing an amendment to Section 1, Article XVI, of the Constitution of the State of Texas, relating to the oath of officers of this State; providing the time and manner of holding an election for its submission to the voters of the State of Texas as required by the Constitution, and making an appropriation therefor,

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,  
Austin, Texas, May 30, 1933.  
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 449, A bill to be entitled "An Act providing that designated State highways traversing incorporated cities and towns of this State having a population of less than sixteen thousand (16,000) inhabitants, shall be maintained at the expense of the State, and such expense to be paid out of the Highway Maintenance Fund, and providing further, that it shall be the duty of the Highway Department to maintain such highways; and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,  
Austin, Texas, May 30, 1933.  
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 959, A bill to be entitled "An Act to amend Senate Bill No. 195, known as the Congressional Redistricting Bill, passed by the Forty-

third Legislature, at the Regular Session thereof, by fixing the counties to hereafter compose the Ninth and Fourteenth Congressional Districts; and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

#### REPORT OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,  
Austin, Texas, May 30, 1933.  
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 47, "An Act to prohibit the wilful taking, injury, or destruction of trees, shrubs, vines, flowers, and moss growing on the enclosed land of another, or on land reserved, set aside, or maintained by the State as a public park, or as a refuge or sanctuary for wild animals, birds, or fish, without previous written permission of the owner of such land, or his representative, or of the superintendent or custodian of such park, refuge, or sanctuary; to prohibit the transportation, carriage, or conveyance or the sale or the exposure for sale of certain wild plants or parts thereof; requiring certain officers and employes of the State to enforce this Act; and prescribing penalties for violations thereof; and making certain exceptions,"

Has carefully compared same, and finds it correctly enrolled.

MORRISON, Vice-Chairman.

Committee Room,  
Austin, Texas, May 29, 1933.  
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 442, "An Act creating a Central Mailing Bureau; providing for the control of such Bureau by the State Board of Control; designating the duties and purpose of such Bureau; making an appropriation for the expense of operation and for the purchase of necessary equipment to establish and maintain said Bureau for a period of six (6) months; providing all mail of the State Departments located in the State Capitol, the State Office Building, the State Highway Department Office Building,

and the Courthouse State Office Building in Austin shall pass through said Bureau; providing for the personnel of such Bureau; providing for bonds for personnel of such Bureau; providing an appropriation for a revolving fund; repealing all laws in conflict, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

MORRISON, Vice-Chairman.

Committee Room,  
Austin, Texas, May 30, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 14, "An Act to amend Article 7043, of the Revised Civil Statutes of Texas of 1925, as amended by Chapter 23, Acts of the Third Called Session, Forty-first Legislature, as amended by Chapter 32, Acts of the Second Called Session, Forty-second Legislature, relating to ascertaining tax rate; and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

MORRISON, Vice-Chairman.

Committee Room,  
Austin, Texas, May 30, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 43, "An Act creating the Special Ninth District Court of Montgomery County, Waller County, Polk County, and San Jacinto County, Texas, prescribing its jurisdiction, limiting its existence, fixing its terms; providing for the appointment of a judge thereof, fixing his compensation, making an appropriation for the same, prescribing his powers and duties; providing for the transfer of cases from the Ninth Judicial District Court to said Special Ninth District Court and from said Special Ninth District Court to the Court of the Ninth Judicial District; providing for the district clerks of Montgomery County, Waller County, Polk County, and San Jacinto County and their successors in office to be the clerks for said Special Ninth District Court in their respective counties; providing a seal for said Special Ninth District Court; providing that if any Section of this Act be held un-

constitutional or invalid for any reason, the same shall not impair or affect the remaining sections or provisions, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

MORRISON, Vice-Chairman.

## SEVENTY-SECOND DAY

(Wednesday, May 31, 1933)

The House met at 9 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following Members were present:

Mr. Speaker.	Greathouse.
Adamson.	Griffith.
Aikin.	Haag.
Alexander.	Hankamer.
Alsup.	Harman.
Anderson	Harris.
of Bexar.	Harrison.
Anderson	Hartzog.
of Johnson.	Head.
Baker.	Hester.
Barrett.	Hicks.
Barron.	Hill of Webb.
Beck.	Hodges.
Bedford.	Holekamp.
Bourne.	Holland.
Bradley.	Holloway.
Burns.	Hoskins.
Butler.	Huddleston.
Calvert.	Hughes.
Camp.	Hunt.
Canon.	Hyder.
Cathey.	Jackson.
Caven.	James.
Celaya.	Jefferson.
Chastain.	Johnson
Clayton.	of Anderson.
Colson.	Johnson
Coombes.	of Dimmit.
Cowley.	Jones of Atascosa.
Crossley.	Jones of Runnels.
Daniel.	Jones of Shelby.
Davidson.	Kayton.
Dean.	Kyle of Hays.
Devall.	Kyle of Palo Pinto.
Dunlap.	Laird.
Dunagan.	Latham.
Dwyer.	Lemens.
Engelhard.	Leonard.
Fain.	Lindsey.
Few.	Long.
Ford.	Lotief.
Fuchs.	Mackay.
Glass.	Magee.
Golson.	McClain.
Good.	McCullough.
Goodman.	McGregor.
Graves.	McKee.